



2006 Planning & Zoning Commission Minutes

Regular Meetings

January 4, 2006

July 5, 2006 (not available yet)

January 18, 2006

July 19, 2006 (not available yet)

February 1, 2006

August 2, 2006 (not available yet)

February 15, 2006

August 16, 2006 (not available yet)

March 1, 2006

September 6, 2006 (not available yet)

March 15, 2006 (not available yet)

September 20, 2006 (not available yet)

April 5, 2006 (not available yet)

October 4, 2006 (not available yet)

April 19, 2006 (not available yet)

October 18, 2006 (not available yet)

May 3, 2006 (not available yet)

November 1, 2006 (not available yet)

May 17, 2006 (not available yet)

November 15, 2006 (not available yet)

June 7, 2006 (not available yet)

December 6, 2006 (not available yet)

June 21, 2006 (not available yet)

December 20, 2006 (not available yet)

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, January 4, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:33 p.m.
2. Pledge of Allegiance led by Commissioner Creedon.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Phil Ryan
Commissioner Angela Creedon

Absent and Excused: Commissioners Brett Anderson, Mark Irby, Dick Gulsvig

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Bill Dermody, City Planner
Ms. Jodie Novak, Senior City Planner
Ms. Judy Skousen, Assistant City Attorney
Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER RYAN to approve the minutes of the December 21, 2005 meeting. Motion was approved 4-0.

5. CONSENT AGENDA ITEMS

Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER stated that there was a modification to item 'A' – DVR05-0049 Stellar Business Park, stipulation no. 10 to include 'exterminators' to the list of prohibited uses.

A. DVR05-0049 STELLAR BUSINESS PARK

APPROVED, a request for amendment to current PAD zoning to modify the zoning conditions to describe the permitted and prohibited uses allowed within the PAD zoning. The property is located on the north side of Chandler Boulevard approximately one-quarter mile west of McClintock Drive.

8. The following uses shall also be permitted on all lots: General office uses, medical and dental offices and clinics, small animal veterinary clinics, showrooms with associated warehouse inventory, and warehousing uses as a component of an otherwise allowed use or as a self-storage facility, food or drink establishments excluding drive-through lanes and freestanding buildings.
9. Deleted.
10. The following uses shall be prohibited on all lots: Boat building and repair, bottling works for soft drinks, bus passenger station, candy manufacture, cold storage facility, dairy products processing, bottling and distribution, cream manufacturing on a wholesale basis, farm machinery repair, feed and grain sales and storage, food processing in wholesale quantities, impound or wrecking yards, laundering plant, dry cleaning, diaper service (industrial), plastics manufacturing, prefabricated home sales, transmitting towers, railroad passenger stations, roofing, sheet metal

products, tinsmithing requiring outdoor storage of materials, taxi dispatching stations, taxi terminal, textile manufacturer, tire recapping and re-treading, tobacco products manufacture and storage, truck or rail freight yard or terminal, auto repair/service facilities, leather goods manufacturing, building contractors or supply with outdoor installation or storage, furniture manufacturing, warehouse as part of a distribution or moving and storage use and pharmaceutical manufacturing.

11. Deleted.
12. Deleted.
13. Deleted.

B. PDP05-0025 THE SHOPS AT PECOS RANCH

CONTINUED TO THE FEBRUARY 1, 2006 PLANNING COMMISSION MEETING, a request for Preliminary Development Plan approval for a commercial retail and office development located on approximately 10.9 acres at the northeast corner of Dobson and Germann Roads.

C. DVR05-0035 ARBOLEDA ESTATES

CONTINUED TO THE JANUARY 18, 2006 PLANNING COMMISSION MEETING, a request for rezoning from Agricultural (AG-1) zoning to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for 6 single family homes on approximately 4 acres. The property is located west of the southwest corner of Alma School and Germann roads.

D. UP05-0068 AZ REALTY NETWORK

APPROVED a request for Use Permit approval to operate a 3-employee real estate business in a converted residence at 598 W. Chandler Blvd.

1. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require a new Use Permit application and approval.
3. There shall be no tandem parking in the designated parking spaces at the rear of the property.
4. Parking along Hartford Street is not permitted for either employees or clients.
5. Parking shall not be permitted in the front yard on the brick area or on the grass.

E. UP05-0072 LJNYC ENTERPRISES, LLC dba LENZ MOTORS

APPROVED a request for Use Permit approval to allow a used car wholesaler in Planned Industrial District (I-1) zoning. The property is located at 500 North 56th Street, Suite 9.

1. Development shall be in substantial conformance with exhibits and representations.
2. Expansion or modification beyond the approved exhibits (Floor Plan, Site Plan, Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

F. UP05-0077 ROY'S RESTAURANT

APPROVED a request for Use Permit approval to sell liquor for on-premise consumption only within a restaurant (Series 12 Restaurant License). The subject property is located at 7151 W. Ray Road.

1. The Use Permit granted is for a Series 12 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

G. UP05-0083 APPLEBEE'S NEIGHBORHOOD BAR & GRILL

APPROVED a request for Use Permit approval to sell liquor for on-premise consumption only within a new restaurant (Series 12 Restaurant License). The subject property is located north of the northeast corner of Alma School and Queen Creek Roads within the Las Tiendas Village shopping center.

1. The Use Permit granted is for a Series 12 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

H. PPT05-0050 SUMMIT AT CHANDLER HEIGHTS

APPROVED a request for Preliminary Plat approval for a commercial subdivision located at the southeast corner of Chandler Heights Road and Alma School Road.

There was no one in the audience that wished to pull any of the items from the Consent Agenda.

MOVED BY COMMISSIONER HEUMANN, SECONDED BY COMMISSIONER CREEDON, to approve the Consent Agenda Items, with additional stipulations as read into the record.

6. **DIRECTOR'S REPORT**

There was nothing to report.

7. **CHAIRMAN'S ANNOUNCEMENT**

The next regular meeting is January 18, 2006 at 5:30 p.m.

8. **ADJOURNMENT**

The meeting was adjourned at 5:38 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, January 18, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:45 p.m.
2. Pledge of Allegiance led by Vice Chairman Rick Heumann.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Brett Anderson
Commissioner Mark Irby
Commissioner Dick Gulsvig
Commissioner Angela Creedon

Absent and Excused: Commissioner Phil Ryan

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Senior City Planner
Ms. Kim Clark, City Planner
Mr. Bill Dermody, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER CREEDON to approve the minutes of the January 4, 2006 meeting. Motion was approved (3-0) with Commissioners Irby, Anderson, and Gulsvig abstaining due to their absence at the previous meeting.

5. CONSENT AGENDA ITEMS

Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated that there were additional stipulations to items B, C, and D.

B. PDP05-0031 POLLACK CHABAD CENTER FOR JEWISH LIFE

6. **The project landscaping shall comply with the Commercial Design Standards.**
7. **The dissimilar land use buffer trees shall be 12 feet in height at the time of planting.**

C. PDP05-0035 MERCEDES OF CHANDLER

3. **The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.**
4. **A 'Spill-Prevention' Plan shall be kept on file with the Fire Marshall.**

D. DVR05-0009 MAPLEWOOD COURT

20. The 10-foot tall towers at the entry monument sign shall be lowered to a height consistent with the scale of the perimeter theme wall.

21. The split face courses on the primary theme wall shall be relocated to the wall's top half.

A. DVR05-0061 V. SMITH OFFICE BUILDING

APPROVED, Request rezoning from Planned Area Development (PAD) to Planned Industrial District (I-1)/PAD overlay with Preliminary Development Plan (PDP) approval for an office building and dance studio located on lot 74 of the Southpark Business Center, addressed 335 N. Austin Drive. The overlay zoning will expand the list of permitted uses to include a number of commercial business, office, and public assembly uses as a "matter of right" while placing limitations on the outdoor storage of hazardous materials and operation of hazardous activities by permitted industrial users.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled "VINCENT SMITH OFFICE BUILDING" kept on file in the City of Chandler Current Planning Division in file number DVR05-0061, except as modified by condition herein.
2. Development shall be in substantial conformance with the attached list of Performance Characteristics and Permitted Uses.
3. The landscaping in all open spaces and rights of way shall be maintained by the adjacent property owner or property owners association.
4. Approval of the Director of Planning and Development of plans for landscaping (open spaces and rights of way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
8. The landscaping in the adjacent retention basin along Kyrene Road shall comply with the Commercial Design Standards in size and quantity.

B. PDP05-0031 POLLACK CHABAD CENTER FOR JEWISH LIFE

APPROVED, Request Preliminary Development Plan (PDP) approval for site layout and building architecture for a Synagogue facility on an approximate 2.3-acre site located at 875 N. McClintock Drive, just south of the southeast corner of Ray Road and McClintock Drive.

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 1909, in case Z87-156 RAY & MCCLINTOCK.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pollack Chabad Center for Jewish Life" kept on file in the City of Chandler Current Planning Division, in file number PDP05-0031 POLLACK CHABAD CENTER FOR JEWISH LIFE, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.

4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
5. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
- 6. The project landscaping shall comply with the Commercial Design Standards.**
- 7. The dissimilar land use buffer trees shall be 12 feet in height at the time of planting.**

C. PDP05-0035 MERCEDES OF CHANDLER

APPROVED, Request Preliminary Development Plan (PDP) approval for the installation of a 10,000-gallon fuel tank on an approximately 24.2-acre site located at the northeast corner of Orchid Lane and Interstate 10.

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. PDP05-0035 MERCEDES OF CHANDLER.
2. Fuel containment shall be in accordance with all State and Federal laws.
- 3. The tank shall be constructed to comply with all City of Chandler Building and Fire Codes.**
- 4. A 'Spill-Prevention' Plan shall be kept on file with the Fire Marshall.**

D. DVR05-0009 MAPLEWOOD COURT

APPROVED, Request Rezoning from Agriculture (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a 32 lot single-family subdivision on an approximate 15-acre lot located at the southwest corner of Maplewood Street and Vine Street (approximately ¼ mile east of Alma School Road and ¼ mile north Germann Road).

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "MAPLEWOOD COURT", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0009, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.

8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Lots 1 through 11, 20 and 21 shall be constructed with single story homes only. No second story elements such as raised sun porches, balconies, or split stories shall be allowed.
10. No south facing balconies shall be allowed on lot 22
11. All homes built on corner lots within the residential subdivision shall be single story.
12. When two-story homes are built on adjacent lots, a 20-foot separation shall be provided between homes.
13. No more than two two-story homes may be built in a row.
14. Lots 1-11 and 20-32 shall have increased rear yard setbacks of 25' for one-story homes and 35' for two-story homes.
15. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
16. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
17. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Maplewood Court development shall use treated effluent to maintain open space, common areas, and landscape tracts.
18. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
19. The minimum pavement width for half street improvements on both Maplewood Street and Vine street is 24 feet.

- 20. The 10-foot tall towers at the entry monument sign shall be lowered to a height consistent with the scale of the perimeter theme wall.**
- 21. The split face courses on the primary theme wall shall be relocated to the wall's top half.**

F. DVR05-0030 SILAGI CHANDLER COMMERCE CENTER
CONTINUED TO THE FEBRUARY 1, 2006 PLANNING & ZONING COMMISSION MEETING AGENDA, Request for rezoning from Planned Area Development (PAD) industrial to PAD office and industrial with Preliminary Development Plan (PDP) for an 11 building multi-tenant development on approximately 12 acres located on the north side of Chandler Boulevard one-half mile east of Kyrene Road.

G. DVR05-0044 PECOS VILLAGE CENTER
APPROVED, Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the four year schedule for development or to cause the property to revert to the former Agricultural District (AG-1) zoning classification. The existing PAD zoning is for a neighborhood shopping center on approximately 15 acres. The property is located at the northwest corner of Pecos and Cooper Roads.

H. DVR05-0035 ARBOLEDA ESTATES
APPROVED, Request rezoning from Agricultural (AG-1) zoning to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for 6 single family homes on approximately 4 acres. The property is located west of the southwest corner of Alma School and Germann roads.

1. Right-of-way dedications to achieve full half width for Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements in accordance with City adopted design and engineering standards.
3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. Development shall occur in substantial conformance with Exhibit A, Development Booklet, entitled "Arboleda Estates" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0035, except as modified by condition herein.
5. The covenants, conditions, and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
6. The landscaping in all open spaces and rights-of-way, as well as all perimeter fences, shall be maintained by the adjacent property owner or homeowners' association.
7. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and

- supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality, which meets the requirements of the Arizona Department of Environmental Quality for the purposes, intended available to the property to support. In the event the owner sells or otherwise transfers the development to another person or entity; the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the development shall use treated effluent to maintain open space, common areas, and landscape tracts.
8. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
 9. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
 10. Either Lot 1 or Lot 6 shall be limited to single story.

- I. UP05-0070 CROWN CASTLE
APPROVED, Request Use Permit approval for the replacement and height increase of an exiting 60-foot high monopole with a 100-foot high monopole for property located at 411 E. Ray Road.
1. Expansion, modification, or relocation beyond the approved exhibits and representations shall void the Use Permit and require re-application and approval of a new Use Permit.

- K. UP05-0040 SECOND CHANCE RANCH (dba SLIDING H RANCH)
APPROVED, Request Use Permit approval for a horse boarding facility from a single-family residence within the Agricultural (AG-1) zoning district. The property includes two parcels located at 3220 South Eagle Drive and 3225 South Diamond Drive, south of Queen Creek Road and west of Cooper Road.
1. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
 2. The maximum number of horses allowed for boarding is forty-nine (49). Any increase in the number of horses boarded shall void the Use Permit and require new Use Permit application and approval.
 3. Expansion or modification of the boarding facility on either parcel, beyond the approved exhibits and representations including the Site Plan and Written Narratives, shall void the Use Permit and require new Use Permit application and approval.
 4. The property shall be maintained in a clean and orderly manner.

- L. UP05-0069 798 W. CHANDLER BOULEVARD
CONTINUED TO THE FEBRUARY 1, 2006 PLANNING AND ZONING COMMISSION MEETING AGENDA, Request Use Permit approval to operate a 3-employee mortgage broker office in a converted residence at 798 W. Chandler Blvd.

M. UP05-0080 W.G. GRINDERS

APPROVED, Request Use Permit approval to sell liquor for on-premise consumption only within an existing restaurant (Series 12 Restaurant License). The subject property is located at the northwest corner of Ray and McClintock Roads within the Albertson's shopping center.

1. The Use Permit granted is for a Series 12 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

N. UP05-0081 CVS PHARMACY, McQUEEN AND RAY ROADS

APPROVED, Request Use Permit approval to sell beer and wine (Series 10 beer and wine store) at a CVS Pharmacy located at the southeast corner of McQueen Road and Ray Road.

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

O. UP05-0084 CVS PHARMACY, CHANDLER HEIGHTS AND GILBERT ROADS

APPROVED, Request Use Permit approval to sell beer and wine (Series 10 beer and wine store) at a CVS Pharmacy located at the southwest corner of Chandler Heights Road and Gilbert Road.

1. The Use Permit is for a Series 10 liquor license only, and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

There was no one in the audience that wished to pull any of the Consent items for a full presentation.

VICE CHAIRMAN HEUMANN commented that he wished to thank the applicant for Maplewood Court for listening to the neighborhood concerns regarding two-story homes, as well as the applicant for Arboleda Estates for listening to the concerns and directions from the Planning Commission.

CHAIRMAN FLANDERS stated for the record that he would be abstaining from voting on item B as he lives within the notification area.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER CREEDON to approve the Consent Agenda Items, with additional stipulations as read into the record. Motion was approved (6-0) with Chairman Flanders abstaining from voting on item B.

ACTION:

E. DVR05-0005 ARTISAN VILLAGE AT GILA SPRINGS

Request rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Mixed-Use on approximately 9.57-acres with Preliminary Development Plan (PDP) approval on approximately 6.99-acres for the construction of an 85-unit residential condominium development located north and west of the northwest corner of Chandler Boulevard and Gila Spring Boulevard.

MR. KEVIN MAYO, SENIOR CITY PLANNER, that this was a request for rezoning from PAD Office to PAD Mixed Use on approximately 9.57 acres with PDP approval on approximately 7 of

those acres for the development of a residential condominium development. The property is located north and west of the northwest corner of Chandler Boulevard and Gila Springs Boulevard and physically wraps around the back side of an existing Taco Bell/Pizza Hut building located on the immediate corner.

Mr. Mayo stated that the project was very unique and a true mixed use by definition. The overall piece has been zoned for Office since 1983 with the Gila Springs master plan. In 2001 there was a conceptual plan approval for two garden offices and a flex building; however, the development never occurred.

The present request is proposed as a multi-staged development. Stage 1 is represented, as Lot 1 on the Site Plan is approximately 7 acres of the residential condominium development. Stage 2 is Lot 2 and is proposed as conceptual commercial for C-1 neighborhood commercial uses. The Site Plan shows two commercial pads at approximately 3,500 square feet each. The applicant anticipates that restaurant uses will locate on these two pads. There are no specific users, and the applicant is not asking for PDP approval for that portion of the site. The applicant did, however, provide anticipated pedestrian connections to try to link that future commercial to Stage 1, which will be the residential condominium development.

Mr. Mayo explained that the development is very urban in nature. It has the unique component of 'live/work' units. The five buildings that are on the south side of the condominium portion have the 'live/work' units. The residents can work or have an office and can live above it. The five buildings are comprised of five units each for a total of 25 'live/work' units. Overall there are 85 units proposed. The buildings are three-story and have very a very stylized urban architecture with simplistic architectural forms, very geometric, with architectural steel and sloping roof elements added.

Mr. Mayo said that initially Staff was concerned with the 'live/work' nature and what could go into the bottom of the 'live/work' units. After reviewing the overall size of the 'live/work' units, each unit can have approximately 260 sq. ft. of workspace, expandable to about 700 sq. ft. That, coupled with what is permitted in the C-1 zoning district, Staff felt comfortable that the uses that would be deemed incompatible in the C-1 zoning district would not locate there, based on the physical size of the units. Additionally, the applicant has, through their CC&Rs, even further restrictions to help control what kind of uses would be incompatible or a nuisance.

Mr. Mayo noted that there are six different three-story condominium buildings. Each unit is two or three-bedroom and range in size from 1,224 sq. ft. to 1,982 sq. ft. These buildings have a very stylized urban architectural form. Staff finds the project to be a very unique, and as Chandler transitions into being built out and becoming an urban city, this is the type of projects that will be coming forward. Staff recommended approval of the development.

1. Right-of-way dedication to achieve full half widths for Chandler Boulevard and Gila Springs Boulevard including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
4. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals. The developer shall be required to install landscaping in the arterial street

- median adjoining this project to meet current City standards. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
 6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Artisan Village at Gila Springs" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0005, except as modified by condition herein.
 7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
 8. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
 9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
 10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
 11. Uses permitted within the proposed Commercial Pads as well as the business portion of the 5 live/work units shall be uses as permitted within the Neighborhood Commercial (C-1) zoning district.
 12. Landscaping along Chandler Boulevard shall comply with the Commercial Design Standards.

CHAIRMAN FLANDERS commented that he agreed that this was a unique development and something that he hadn't seen. He said that he asked that this item be pulled from the Consent agenda due to the architecture. There were some elevations that he was not happy with. He felt that the project should go to Design Review; however, he wanted to hear from the applicant.

ERIC BROWN, 2939 N. 48TH PLACE, PHOENIX, stated that Artisan Homes was recently purchased by Engle Homes, and now they are the Artisan Home Collection by Engle Homes. Artisan Homes has started to do urban infill, and in downtown Phoenix they have done five project; all of them have won awards, including Gold Nugget awards. They have been named National Project of the Year by Professional Builder Magazine, as well as the Best Attached Home of the Year for one of their plans.

Mr. Brown stated that this product was also being built in Phoenix. He commented on some of the businesses that were going into the project. He said that a lot of the businesses are those that could never have afforded to pay the rents in a shopping center. A lot of the people are those that are passionate about having their own entrepreneurial spirit and having their own business, and this gives them the chance to have the 'live and work'. Also, the mixed use of the property that people do live, work, and play.

He stated that they had been very sensitive trying to come across with the retail along Chandler Boulevard, making a contiguous segment from the hotel, across their property to the restaurants, and then over to the Taco Bell/Pizza Hut. Also, they were sensitive to fronting homes or siding homes only to all the other streets in the area. He stated that he never backs up to a main street and believes to put "the best face forward".

Mr. Brown stated that he is on the Design Review Board for the City of Phoenix and architecture was very important to him. He said that he could appreciate questions about the architecture and would be happy to review that with the Commission. He invited the Commission to visit the other projects in Phoenix.

VICE CHAIRMAN HEUMANN said that it was exciting to see a “live/work/play” concept. He asked the applicant if it was the concept that the person that owned the work unit also owned the live unit above.

Mr. Brown stated that there is a requirement that there can only be one owner. What they allow in their CC&Rs is that after one year the retail unit could be leased to someone else, or, if there were a need to move out of the living space, that unit could be rented out, but, there could never be two separate rental units for the property. Additionally, there is a minimum on the number of months out of the year that the retail is to remain open, as well as a minimum number of hours in a week. The hours must be posted. There are penalties if these requirements are not met and the owner will be fined.

VICE CHAIRMAN HEUMANN asked if the retail portion could ever be converted to residential. Also he asked who controlled the HOA. Mr. Brown stated that the retail could not be converted to residential. Eventually the owners will be their own management. He said that, as a developer, they do their best to put in the safeguards and make it so that it's not easy to make any changes to the requirements. He said that if the owner thinks they will get away with something after five months, they have a hammer to put on them to get something going. That's where the CC&Rs come in. He said that the money the developer had put into doing the streetscape; they wouldn't want to see an owner not doing anything with the retail portion of their unit.

COMMISSIONER IRBY had questions about signage. He also asked how the developer planned to deal with an owner whose retail portion may go out of business. Mr. Brown stated that the owner has five months to find someone else to go into the retail portion of the unit. Commissioner Irby asked how long the developer's other projects had been up and running. Mr. Brown stated that the other project had been open for approximately three months.

COMMISSIONER GULSVIG asked what would happen if the owner did not get someone in the retail portion after the five month period. Mr. Brown stated that the owner would start being fined every month until something happens. The fine would be \$50.00 the first month, and the fines would gradually increase. He noted that the owner had the option to sell the property. Mr. Brown emphasized that the owner knows when they're buying the property what they're getting into.

COMMISSIONER IRBY asked to have the floor plans explained. Mr. Brown said that the units are typically two bedrooms; one plan can be three bedrooms, and always two baths. There are two entries into home, one on the side for the resident and one in front to the main street. There are two- and three-story units. (A conversation followed with regard to the layout of the units; however, the speaker was inaudible during most of the conversation due to his distance from the podium at that time.)

COMMISSIONER IRBY stated that he really liked the uniqueness; however, he agreed with Chairman Flanders that the project should go to design review for further discussion on the colors and other details with regard to concept.

VICE CHAIRMAN HEUMANN stated he agreed to a design review to sit down and talk about the architecture. He went on to ask how the project would be parked. **MR. BROWN** stated that there was parking for the residents and their guests (behind the live/work units). Parking for the retail will be to the front of the retail.

VICE CHAIRMAN HEUMANN stated that there should also be a discussion on the signage when a design review meeting is held. Mr. Brown said that they have a set design standard; however, they do want some individuality and still meet the City's standards. He said that they wanted the area to have a feeling of an old neighborhood.

VICE CHAIRMAN HEUMANN stated that he was concerned with the enforceability regarding the fines that the HOA might levy. Mr. Brown said that the community itself would put pressure on each other to do the right thing. He felt that what they had in place would be enough.

VICE CHAIRMAN HEUMANN said that he wanted to ensure that three, four, or five years down the road that the City is protected. He wanted the live/work/play to succeed. He suggested that the Engle legal department look again at the CC&Rs to ensure that they are written to protect themselves as well as the City.

CHAIRMAN FLANDERS stated that he wanted the developer to bring in the sign package at the time of design review. Also that the design concept be part of the next Commission meeting.

COMMISSIONER GULSVIG asked if the retail would require a Use Permit. He wanted to ensure that businesses such as adult uses were not a part of the retail.

MR. KEVIN MAYO stated that it is protected through the zoning that is in place on the property, C-1. Liquor uses and adult uses were not permitted under C-1 zoning. The CC&Rs do not approve of those uses as well.

COMMISSIONER IRBY commented that he didn't see how the parking spaces on the interior would function. Mr. Brown explained that the parking for the retail would be only in the front of the retail business. The residential portion (behind the retail portion) was gated from the retail uses.

CHAIRMAN FLANDERS stated that the developer needed to look at the side and rear elevations of the buildings prior to the design review. He gave the developer instances of where improvements could be made. Mr. Brown stated that he would be happy to work with Commission.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER GULSVIG to continue case DVR05-0005 ARTISAN VILLAGE AT GILA SPRINGS to the February 15, 2006 Planning and Zoning Commission meeting and recommend the case to a design review meeting to be held within two weeks from the date of this meeting. Motion was approved 6-0.

- J. UP05-0079 MILLENNIUM AUTO SALES
- Request Use Permit approval for the operation of a motor vehicle sales business within a Planned Industrial (I-1) zoned district for property located at 4184 and 4185 W. Kitty Hawk Lane.
1. Expansion, modification, or relocation beyond the approved exhibits and representations shall void the Use Permit and require re-application and approval of a new Use Permit.
 2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
 3. All vehicle sales and storage shall occur within the enclosed buildings.
 4. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
 5. The Use Permit is effective for a period of one (1) year from the date of City Council approval. Operation of the business beyond the one-year time period shall require re-application to and approval by the City.

MR. KEVIN MAYO, SENIOR CITY PLANNER, stated that this was a request for Use Permit approval for the operation of a motor vehicle sales business within an I-1 zoning district located at 4184 and 4185 W. Kitty Hawk Lane within the Stellar Airpark on the east side of the runway. Mr. Mayo said that initially Staff was hesitant about recommending approval due to the traditional car lot with flags and the need for drive-by traffic. However, this use does not function that way. The applicant does not have outdoor display nor does he rely on that type of drive by visibility. Seventy percent (70%) of the business is done through wholesale where the applicant is purchasing vehicles at auction and then being sold to dealers. A majority of the vehicles will never reach the site. The applicant acts as a broker, and the site will function as an office. The other 30% is retail. A lot of the clients request that the applicant locate a specific vehicle. The vehicle is then placed in the building and detailed for the sale. Maintenance such as lube/oil change is not performed at this location. For the most part, the vehicles are never test-driven.

Mr. Mayo stated that the applicant has big picture plans and immediate plans. The immediate plans are to locate on the site, repaint the buildings, and occupy the eastern 15,000 sq. ft. building for this use. On the site's west side is an 8,000 sq. ft. building that front the runway; the applicant plans to use this space for additional storage. Mr. Mayo noted that the applicant owns a Cherokee 235 aircraft and utilizes Stellar Airport for his personal use. The applicant hopes to eventually grow into airplane sales and would intend to eventually tear down that building and expand into airplane sales on the site. Currently the applicant intends only to set up the automotive sales.

Staff finds this to be a consistent use based on the appointment only retail sales of the cars. It is consistent with other uses that have been approved in the Stellar Airpark. Staff recommended approval of the Use Permit.

1. Expansion, modification, or relocation beyond the approved exhibits and representations shall void the Use Permit and require re-application and approval of a new Use Permit.
2. All signage, whose text shall be limited to business name identification only, shall be in conformance with the Chandler Sign Code.
3. All vehicle sales and storage shall occur within the enclosed buildings.
4. Failure to comply with these conditions, upon standard notice issued by the City, will constitute revocation of the Use Permit without further action.
5. The Use Permit is effective for a period of one (1) year from the date of City Council approval. Operation of the business beyond the one-year time period shall require re-application to and approval by the City.

VICE CHAIRMAN HEUMANN said that he asked for this item to be pulled. He asked how far the 600-ft. notification reached. Mr. Mayo stated that the notification area did not go past McClintock Drive; it was within the Stellar Airpark business park only.

VICE CHAIRMAN HEUMANN said that his concern was with the 30% retail in terms of test-driving and other obvious things that could happen going into the neighborhood. As well, he was also concerned with the potential for aviation sales. This would add additional traffic going in and out of the airpark versus personal use. He said that he knew that that would be a concern to the neighborhood north of this airpark.

MR. MAYO stated that the notification did not reach individual homeowners within Hearthstone neighborhood; however, the Hearthstone HOA had been notified and he had not received any calls or comments from those homeowners as yet.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, added that the request before Commission was not for airplane sales, it's really just information of where the applicant proposes and where he hopes to go eventually. What was being requested was only for the automotive sales and any other uses of the property will need to come back before Commission.

VICE CHAIRMAN HEUMANN confirmed that aircraft sales were a matter of right in Stellar Airpark and would need a Use Permit. Mr. Kurtz confirmed that that was the case.

COMMISSIONER IRBY asked Staff if there were other auto facilities in this park. Mr. Mayo stated Driver's Corp was one of the businesses, which is a training facility for new car dealers/salespeople. Another is Going's Automotive, which has high-end auto sales with a repair facility and is located on 79th Street.

MR. PAUL JONES, 38 E. CULLUMBER, GILBERT, stated that he would be happy to answer any questions.

VICE CHAIRMAN HEUMANN asked the applicant if the work would be all done inside. Mr. Jones said that any work would be done indoors. He said that the business that had previously been in this site had several employees, trucks and tractor-trailers with parking in the street, which produced a lot of traffic. His intention is to store the cars inside. Any detailing would be done inside and stay inside. He stated that there would be no drive by traffic and be a much quieter place than it is at the present.

VICE CHAIRMAN HEUMANN stated that he was aware that the aircraft is not a part of this request, but advised the applicant that when and if that request comes forward, there would be opposition from neighbors to the north. He said that he was happy with the answers from Mr. Jones and would support the request. He wished the applicant well and good luck.

MR. JONES stated that he didn't feel that the neighbors would oppose the aircraft use, as there was already a company, Angel Air, which was a training school with flying in and out all day. Vice Chairman Heumann said he believed that some of those businesses were grandfathered in; however, he knew that the neighbors to the north would have a problem with that.

COMMISSIONER IRBY asked the applicant if he was purchasing the property or leasing it. He also asked how long the applicant had been operating this type business and where. The applicant replied that he was purchasing the property. He said that he had been doing this kind of business for approximately six years in Mesa, AZ.

COMMISSIONER IRBY asked Staff the current condition of the property. Mr. Mayo said that when he had posted the hearing sign that there was still a For Sale board on the property. The site looked abused and needed to be brought back up. He advised the Commission that the applicant had plans to immediately go in and repaint the buildings and upgrade the landscaping.

COMMISSIONER IRBY said that he did not have a problem supporting the request, but he wanted a stipulation that the building exterior appearance and the landscaping are brought up to a certain standard. **MR. KURTZ** stated that the expectation would be that the site meets the Zoning Code requirements. It is not applicable for the Commercial Design Standards.

MR. JONES informed Staff and Commission that he already has crews scheduled on the day that he takes possession of the property. He is going to get the building painted and put a cap on the building, as well as install stone on the building. He said it was his intention to make the site beautiful.

CHAIRMAN FLANDERS thanked the applicant.

MOVED BY COMMISSIONER IRBY, SECONDED BY VICE CHAIRMAN HEUMANN to approve UP05-0079 MILLENNIUM AUTO SALES with an additional stipulation that the property be brought up to current building and landscape requirements, per the development standards in the area. When the vote was taken, the motion was approved 6-0.

6. DIRECTOR'S REPORT

Mr. Kurtz reported that the February 15, 2006 Commission meeting would not be televised due to camera repairs.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is February 1, 2006 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, February 1, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:40 p.m.
2. Pledge of Allegiance led by Commissioner Phil Ryan.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Phil Ryan
Commissioner Dick Gulsvig

Absent and Excused: Commissioners Anderson, Irby and Creedon

Also Present:

Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Senior City Planner
Ms. Jodie Novak, Senior City Planner
Mr. Bill Dermody, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER GULSVIG, SECONDED BY VICE CHAIRMAN HEUMANN
to approve the minutes of the January 18, 2006 meeting. Motion was approved 4-0.

5. CONSENT AGENDA ITEMS

Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

MR. BOB WEWORSKI, PRINCIPAL PLANNER, stated that there was an additional stipulation for item 'D' DVR05-0030 Silagi Chandler Commerce Center: ***10. All cabinet signs shall be prohibited.***

B. DVR04-0062/PPT05-0002 LYNN HAVEN ESTATES
CONTINUED TO THE MARCH 1, 2006 PLANNING COMMISSION AGENDA.

Request rezoning from Planned Area Development (PAD) for Commercial uses to Planned Area Development (PAD) Amended for a 49-lot residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 10-acres located at the northeast corner of McClintock Drive and the Loop 202 Santan Freeway.

D. DVR05-0030 SILAGI CHANDLER COMMERCE CENTER
APPROVED.

Request rezoning from Planned Area Development (PAD) industrial to PAD office and industrial with Preliminary Development Plan (PDP) for an 11 building multi-tenant development on approximately 12 acres located on the north side of Chandler Boulevard one-half mile east of Kyrene Road.

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
6. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. Landscaping shall be in compliance with current Commercial Design Standards.
9. Approval by the Director of Public Works of the traffic study. Any improvements warranted by the study, in the opinion of the Public Works Director, shall be installed and constructed by the developer.

10. All cabinet signs shall be prohibited.

E. UP05-0069 798 W. CHANDLER BOULEVARD

APPROVED REQUEST FOR WITHDRAWAL.

Request Use Permit approval to operate a 3-employee mortgage broker office in a converted residence at 798 W. Chandler Blvd. (*Request for withdrawal.*)

F. PPT05-0051 PALM TRAILS CONDOMINIUM

APPROVED.

Request Preliminary Plat approval for a condominium development located east of the southeast corner of Arizona Avenue and Ray Road.

G. PPT05-0044 SAN TIERRA

APPROVED.

Request Preliminary Plat approval for a condominium development located north of the northeast corner of Ray Road and McClintock Road.

MOVED BY COMMISSIONER RYAN, SECONDED BY COMMISSIONER GULSVIG to approve the Consent Agenda Items, with additional stipulations as read into the record. Motion was approved 4-0.

ACTION:

A. DVR05-0050 MADERAS

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a custom home single-family residential development with Preliminary Development Plan (PDP) approval for subdivision layout and housing product design guidelines. The property is located southwest of the southwest corner of Queen Creek and Cooper Roads.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated that the report before Commission was for a continuance to the March 1st Planning and Zoning meeting. The continuance was being requested because a portion of the property is going through annexation. Ms. Novak noted that Staff was aware that there was neighborhood opposition from homeowners in the development to the west called Twin Acres. To allow more time for the annexation to be processed and waiting for that public hearing to take place (which should occur on February 23rd), Staff requested that the case be continued to the March 1st hearing for a full hearing and discussion at that time.

MR. CHRIS SORENSEN, 12539 E. QUEEN CREEK ROAD, stated that he was opposed to the rezoning on this property. He felt it was not fit for the area as the area was all agriculture and felt they could not have that type of close housing in their area. Mr. Sorensen noted that the property was planned for transitional purposes under the City's plan.

VICE CHAIRMAN HEUMANN clarified for the audience that Commission had no information to act on the case, except for continuance, due to the annexation process. (Ms. Novak noted that the public hearing for the annexation would take place on February 23, 2006.) Vice Chairman Heumann said that he hoped the speakers would come back and speak again.

MR. DENNIS STEVENS, 3151 S. EAGLE DRIVE stated that he was directly to the west bordering on the property that was requesting to be rezoned. He said that the papers that they had seen appear that there had been a lot of misleading information to get it to this point. He stated that the request was not per the Airport Area Plan; they were a transitional area. He felt that the Commission had been led to believe otherwise.

MRS. TIFFANI SORENSEN, 12539 E. QUEEN CREEK ROAD stated that they had been informed that the Planning and Zoning hearing on March 1st. They had also been informed that the Commission did not have a packet or file on the case. Ms. Sorensen asked Commission to take a good look at the General Plan and the Arizona Revised Statutes. The goals and policies should be adhered to and stay in conformity to those. She said that under the Area Plan, this was a transitional area and it was stated very clearly in the Airpark Area Plan that all rezoning in the transitional area would only go to commercial uses. She said that bringing in a subdivision would put a halt and a kink in the whole transitional area. Ms. Sorensen stated that the neighbors in the Twin Acres area had been told for years that the City would work with them to rezone the areas that were compatible with the airport, commercial or light industrial uses. There would be no new residential housing allowed in those areas at all. She said that bringing in housing would take away all their rights to be able to transition someday. She felt that the Airpark area was one of the biggest economic opportunities for the City of Chandler and noted that they were one of two transitional areas. She asked that the Commission consider what this was going to do to the economy for the City of Chandler.

VICE CHAIRMAN HEUMANN stated to the audience that the Commission was diligent about what they do and to be assured that they would be prepared on March 1st to hear the case. He invited those that were in support or in opposition to come to the March 1st meeting and invited them to speak.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER GULSVIG to continue DVR05-0050 MADERAS to the March 1, 2006 Planning and Zoning Commission meeting. Motion was approved 4-0.

C. PDP05-0025 THE SHOPS AT PECOS RANCH

Request Preliminary Development Plan approval for a commercial retail and office development located on approximately 10.9 acres at the northeast corner of Dobson and Germann Roads.

MR. BOB WEWORSKI, PRINCIPAL PLANNER, said that the site is bound by residential development to the north and west, the Pecos Ranch Apartments to the east, and to the south is planned commercial and residential. To the southwest is the Chuparosa commercial and mixed-use development. Mr. Weworski noted that the site was approximately 10 acres and part of the Pecos Ranch development that was master planned in 1983. The zoning has already been established for this site for commercial development. The proposal is to have both retail and office development. The office portion would comprise approximately 7,600 sq. ft. of space with the remaining approximately 70,000 sq. ft. for retail development. The site is configured so that most of the buildings along Dobson and Germann roads are in a landscape setting with a series of retail and restaurant buildings. There is a signature bank at the corner and a daycare building at the east end along Germann Road. There's also a series of inline retail shops at the rear of the site in a staggered manner to allow for some diversity of the site. The parking layout is in a meandering format. (Mr. Weworski noted that during Study Session there had been some discussion as to how it could be achieved for better circulation.) The site had a mix of different architectural styles, Colonial and Tuscan. The applicant provided a mix of materials for the buildings with a variety of roofline elements and different materials such as stone veneer and stucco features. Mr. Weworski said that the applicant had done a very good job in that manner.

Mr. Weworski stated that there had been a number of things done to mitigate some of the impacts to the neighboring residential properties to the north by providing landscape buffering and screen wall heights to achieve the proper buffering.

There were two neighborhood meetings for this application. Initially, the neighbors had concerns regarding traffic issues, circulation on the site, type of buildings and tenant mixes. After discussion with the applicant, the consensus of the neighborhood was that the Gatling Way driveway at the north end of the site was better served for the neighborhood to have the driveway access. Mr. Weworski noted that there is pedestrian access to the site from Gatling Way and for the apartments to the east.

Mr. Weworski stated that four stipulations were added as a result of the Study Session. They are:

- 14. The applicant shall add six randomly placed date palm trees along Gatling Way.***
- 15. Raceway signage shall be prohibited within the development.***
- 16. The applicant shall work with Staff to adjust the parking fields to create a more efficient design that could include radiused drives.***
- 17. The trash enclosures along the arterial streets shall be relocated within the development or recessed to a maximum height of four feet.***
- 18. Four additional 48" box specimen trees shall be planted at a minimum 15-ft. to 18-ft. planting height at Building D along Gatling Way.***

Mr. Weworski noted that the applicant was in agreement with the additional stipulations. Staff recommended approval.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled The Shops at Pecos Ranch kept on file in the City of Chandler Planning Services Division, in File No. PDP05-025, except as modified by condition herein.

2. Compliance with original stipulations adopted by the City Council as Ordinance No. 1279, in case PL86-026 PECOS RANCH, except as modified by condition herein.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
4. Sign packages shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Trees planted along Germann and Dobson Roads are to be comprised of 25% 48" box trees, 25% 36" box trees, and 50% 24" box trees as per the Commercial Design Standards.
6. All trees along the north and east property line are to be 12' tall at planting, spaced at 20' on center to achieve a dissimilar land use buffer. The wall along the north property line shall be a minimum 6' in height.
7. Diamond planters shall be added to the central parking lot areas at a frequency of two planters per 12 spaces.
8. Textured paving shall be used at all driveway entrances and along the central driveway throughout the development.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. The building signage shall be non-illuminated on elevations facing the adjacent residential development for all buildings located along the site's north and east boundary.
11. All ground mounted equipment to be painted to match buildings and screened from public view.
12. The daycare building play yard wall shall have a setback at least equal with the building setback along Germann Road.
13. The applicant shall work with Staff to improve the daycare building architecture by breaking up the main hip roof and adding elements such as tower features and colonnades.

MR. RALPH PEW, 1930 E. BROWN ROAD, MESA said that he was present on behalf of Mr. Doug Steffen, who was one of the principals for The Shops at Pecos Ranch, along with First International Bank and Trust, who are the owners of the corner parcel and would be building their new bank building at that location. He also stated that the architect for the project, Mr. Kent Dounay, and Mr. Howell, the project's traffic engineer were also present.

Mr. Pew said that Pecos Ranch had been approved 22 years ago and that it had been a long time for this development to come forward. The zoning is in place for this development and the PAD is approved. The main issue is the PDP for the center.

Mr. Pew went on to say that the center is a very small-scale center, roughly eleven acres with low intensity. He stated that the applicant had met on two different occasions with neighbors and talked specifically about the project's impacts upon the adjoining neighbors on the north side of Gatling Way. Based upon the nature of the size of the uses along Gatling Way, the lack of a large user that would require significant truck traffic or noise in the neighborhood, the lighting and landscaping, the applicant believes that most of those questions and concerns have been answered.

Mr. Pew said that they agree with all the stipulations in the staff report as well as the new added stipulations. He said that he was not sure what the concern was of the individual that had asked to speak, but wanted to briefly address what he thought could be the issue, which he felt was the access to the shopping center from Gatling.

He went on to state that Gatling is the street that is on the north side of the property. The property is located at the northeast corner of Dobson and Germann. The access to Gatling is a median break on Dobson. It is the only way to get across east to the center. The developer designed an entrance to the center near Dobson Road on Gatling. One reason for doing this was to provide easy access for the

folks that live north of the center. Without the Gatling Way access, it adds significant burden to the intersection at Germann and Dobson roads. The developer thought this was a good solution and feels it will not have an adverse impact to the neighborhood. He said that the city's traffic engineering staff had reviewed the plans, as well as Staff, and recommend approval.

Mr. Pew went on to say that there might also be a privacy issue with the second story of the offices that are on the corner of Dobson and Gatling. The building is a unique building with retail uses on the bottom floor and offices on the top floor. For the second floor the developer will be using "clear story windows" that will begin at a height of seven feet. They are not intended to be visual for those people that are 5-6 ft. in height. Mr. Pew said that they believe there should be no visual penetration into neighbors' yards. He noted also that on the north side of Gatling is a landscaped retention basin.

JEFF VASHON, 1975 W. MUSKET WAY, stated that his residence is directly behind the two-story building. One of his concerns was with the privacy issue. He has a two-story home with a walkout patio. He felt that the building was in very close proximity to his home. Another issue was with the entrance on Gatling. He was concerned with the children's safety that get dropped off by school buses along Gatling Way. He felt that the neighborhood didn't need any more traffic. He felt that there were two entrances off Dobson Road and two entrances off Germann Road, and that the entrance off Gatling Way was not needed. He said that he had been told that the windows on the second floor of the building would be 7 feet high, but was still concerned with the fact that it was a two-story building behind his home, as well as concerned with the truck traffic off Gatling that the center would generate.

VICE CHAIRMAN HEUMANN asked if there were any median breaks along Dobson Road going into the property. Mr. Weworski answered that he did not believe there were any along Dobson Road; it was right in, right out only.

Vice Chairman Heumann asked as to the tenant of Major A Building. Mr. Pew stated that the applicant was working with a tenant that sells indoor-outdoor furniture.

Vice Chairman Heumann stated that he believed the truck traffic would go down Germann to Price, or go to Alma School for access to the 202.

CHAIRMAN FLANDERS asked Staff what the distance was from Dobson to the Gatling Way driveway. Mr. Weworski stated that it was approximately 200 feet from Dobson Road to the drive entrance off Gatling.

COMMISSIONER GULSVIG asked if Staff had attended the neighborhood meetings. Mr. Weworski stated that he had not attended the two meetings, but did have the meeting minutes from the applicant, discussed the meetings with the applicant, and that the only call that he had received was from the neighbor that had spoken previously.

COMMISSIONER GULSVIG asked Mr. Pew if he had attended the two neighborhood meetings and if the same topics were discussed as had been discussed by Mr. Vashon. Mr. Pew stated that he had attended the meetings and had discussed these topics. Mr. Pew discussed with Commissioner Gulsvig the number in attendance at the meetings. He said the chairman of the HOA seemed satisfied with the new design and the light nature of the activity on the site.

Commissioner Gulsvig asked about the height of the windows on the second floor of the building. He asked if it was possible that the applicant could use glass block to impair the view. Mr. Pew stated that he was not sure what treatment would be on the windows.

COMMISSIONER RYAN stated that as far as the driveway goes off Gatling, it was a design that Commission had tried to achieve for many years. He felt it was inherent in the master plan and the whole reason Gatling Way was designed where it was designed. The master plan (PAD) always had this site pegged for commercial. Commissioner Ryan said that Commission liked to see the ability of the neighborhood to come in without going out onto the arterial street to enter the neighborhood centers. He said that it just makes good sense and felt that it would not be a negative impact to the neighborhood.

As far as the second level windows, Commissioner Ryan said that the applicant had addressed it well enough. He felt it was the whole perception, and even though they are clear story windows, there are still windows overlooking. Commissioner Ryan stated he liked the two-story element and from a design perspective it blends well with the whole center. He said that if some large specimen trees could be planted around the building it might help mask the windows and bring the building more into scale with the surrounding area. He suggested 48" box trees and an initial planting height of 15-18 feet high.

Commissioner Ryan restated that the driveway is a must and that the PAD was designed that way.

VICE CHAIRMAN HEUMANN also agreed that the large specimen trees would help. He said that as far as the traffic, there was going to be a lot of restaurants in the center and most of the people from the neighborhood would be driving there, not walking. He went on to say that it was nice to see the bank coming through with a nice design. He said that he was in favor of the development. Vice Chairman Heumann said that the scale of the building would be helped with the larger trees. With regard to the traffic, he felt that the trucks would not be going up Dobson to get onto the freeway. He stated that he was also in favor of the development.

CHAIRMAN FLANDERS asked if there was anyone in the audience that wished to speak about the item. There was no response.

Mr. Pew did not wish to make a closing statement.

VICE CHAIRMAN HEUMANN asked Commissioner Ryan if there were a certain number of specimen trees that should be specified.

COMMISSIONER RYAN stated that there should be four (4) 48" box trees.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER RYAN to approve PDP05-0025 THE SHOPS AT PECOS RANCH with the additional stipulations as read in by Staff and stipulation no. 18 to specify four – 48" box specimen trees, minimum height at planting between 15 and 18-feet. Motion was approved 4-0.

6. DIRECTOR'S REPORT

There was nothing to report

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is February 15, 2006 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 6:16 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, February 15, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:32 p.m.
2. Pledge of Allegiance led by Commissioner Gulsvig
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Phil Ryan
Commissioner Mark Irby
Commissioner Brett Anderson
Commissioner Dick Gulsvig
Commissioner Angela Creedon

Also Present:

Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Senior City Planner
Ms. Jodie Novak, Senior City Planner
Ms. Kim Clark, City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Linda Porter, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER RYAN, SECONDED BY VICE CHAIRMAN HEUMANN to approve the minutes of the February 1, 2006 meeting. Motion was approved 4-0 with Commissioners Irby, Anderson and Creedon abstaining due to their absence at the previous meeting.

5. CONSENT AGENDA ITEMS

Chairman Flanders stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated there were additional stipulations added to items A, B, C, D, F, and G.

A. **PDP05-0032 SAN TAN PLAZA PHASE 2**

- 10. The freeway monument sign shall be limited to 65', maximum of four tenant panels, and the applicant shall work with staff to revise the design to be consistent with the design implemented on the freeway sign on the adjacent commercial development.*
- 11. All raceway signage shall be prohibited within the development.*

B. DVR05-0034 MAMMOTH PROFESSIONAL BUILDING

15. The applicant shall work with staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.

C. DVR05-0056 POLLACK BUSINESS PARK NORTH – PHASE 2

15. Decorative paving shall be provided at all driveway entrances.

16. All raceway signage shall be prohibited within the development.

D. DVR05-0057 POLLACK BUSINESS PARK SOUTH

16. Decorative paving shall be provided at all driveway entrances.

17. All raceway signage shall be prohibited within the development.

F. PDP05-0012 DOBSON ROAD MEDICAL CENTER

15. All monument sign tenant panels shall have individual lettering with halo illumination.

16. The applicant shall add a total of 7 date palms along the Dobson Road street frontage, 4 at the drive entrance and 3 at the corner of Dobson and Flint roads.

17. The applicant shall work with staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.

18. All raceway signage shall be prohibited within the development.

G. UP05-0071 NISHA HINDOCHA RESIDENCE

4. The applicant shall work with staff to add additional articulation to the building elevations. Examples include window pop-outs and decorative venting.

A. PDP05-0032 SAN TAN PLAZA PHASE 2

APPROVED.

Request Preliminary Development Plan approval for a commercial shopping center within the second Phase of the Santan Plaza (Kohl's) located at the northwest corner of Arizona Avenue and Willis Road.

1. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
2. The property owner or association shall maintain the landscaping in all open-spaces and rights-of-way.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

5. Landscaping shall be in compliance with current Commercial Design Standards.
6. All building signage located on the north elevation of Building C and the west elevation of Building D shall be non-illuminated.
7. The applicant shall work with staff and the neighboring property owners to address the western property line wall and the gaps created resulting from the construction of adjoining perimeter walls.
8. Construction hours and related construction activities shall be in accordance with Chapter 30 of the City Code and shall not constitute a nuisance.
9. All exterior lighting installed shall conform to Zoning Code Section 35-1902 6 (d) and be designed to prevent lighting rays from being directed off of the property.
- 10. The freeway monument sign shall be limited to 65', maximum of four tenant panels, and the applicant shall work with staff to revise the design to be consistent with the design implemented on the freeway sign on the adjacent commercial development.**
- 11. All raceway signage shall be prohibited within the development.**

B. DVR05-0034 MAMMOTH PROFESSIONAL BUILDING

APPROVED.

Request rezoning from Agricultural (AG-1) zoning to Planned Area Development (PAD) zoning for an office building with Preliminary Development Plan (PDP) approval. The site is approximately 4 acres and located at the northwest corner of Price and Willis Roads.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Mammoth Professional Building – Chandler, Arizona", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0034, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. The development shall provide a permanent traffic signal at the Price Road/Willis Road intersection. This improvement is eligible for a buy-in agreement.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
6. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
7. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
8. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
9. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Mammoth Professional Building development shall use treated effluent to maintain open space, common areas, and landscape tracts.
12. Landscaping shall be in compliance with current Commercial Design Standards and Zoning Codes including all quantity and size restrictions.
13. All raceway signage shall be prohibited within the development.
14. Wall-mounted building signage shall be reviewed and approved through a separate Preliminary Development Plan application.
15. **The applicant shall work with staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.**

C. DVR05-0056 POLLACK BUSINESS PARK NORTH – PHASE 2

APPROVED

Request rezoning from Planned Industrial (I-1) and Planned Area Development (PAD) to I-1/ PAD (Retail, light industrial, and showroom retail with warehousing) with Preliminary Development Plan (PDP) approval. The site is approximately 10 acres and located at the northeast corner of Arizona Avenue and Elliot Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pollack Business Park North", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0056, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.

4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. The monument signs shall have a landscaped planter at the column bases.
10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
11. The maximum sign height on buildings shall be 24" for 1 line of copy and 36" for 2 lines of copy.
12. All sign logos shall be limited to 10% of the sign area.
13. Landscaping shall be in compliance with current Commercial Design Standards.
14. Turf shall be limited to a maximum 10% of the landscapable area.
- 15. Decorative paving shall be provided at all driveway entrances.**
- 16. All raceway signage shall be prohibited within the development.**

D. DVR05-0057 POLLACK BUSINESS PARK SOUTH

APPROVED.

Request rezoning from Planned Industrial (I-1) and Planned Area Development (PAD) to Planned Area Development (PAD) for a retail and Planned Industrial (I-1) with Preliminary Development Plan (PDP) approval. The site is approximately 16 acres and located at the southeast corner of Arizona Avenue and Elliot Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Pollack Business Park South", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0057, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

5. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
6. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
7. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. The monument signs shall have a landscaped planter at the column bases.
11. The maximum sign height on buildings shall be 24" for 1 line of copy and 36" for 2 lines of copy.
12. All sign logos shall be limited to 10% of the sign area.
13. Landscaping shall be in compliance with current Commercial Design Standards.
14. The landscape planter along the Shops B drive through lane shall be widened by 6 feet and include a 4 foot tall wall.
15. Turf shall be limited to a maximum 10% of the landscapable area.
- 16. Decorative paving shall be provided at all driveway entrances.**
- 17. All raceway signage shall be prohibited within the development.**

E. DVR05-0005 ARTISAN VILLAGE AT GILA SPRINGS

CONTINUED TO MARCH 1, 2006 PLANNING & ZONING COMMISSION MEETING.

Request rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Mixed-Use on approximately 9.57-acres with Preliminary Development Plan (PDP) approval on approximately 6.99-acres for the construction of an 85-unit residential condominium development located north and west of the northwest corner of Chandler Boulevard and Gila Spring Boulevard.

F. PDP05-0012 DOBSON ROAD MEDICAL CENTER

APPROVED.

Request Preliminary Development Plan (PDP) approval to construct a 30,273 square foot medical and professional office building on a 3.9 acre parcel zoned Planned Area Development (PAD). The subject property is located at 333 N. Dobson Road.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Plaza 333", kept on file in the City of Chandler Planning Services Division, in File No. PDP05-0012 DOBSON ROAD MEDICAL CENTER, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinance No. 1699 in case No. Z86-122 ANDERSEN SPRINGS, TRACT 13.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in

- accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
 5. Completion of the construction of the private roadway and cul-de-sac on the property's eastern border.
 6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
 7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
 8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
 9. Landscaping shall be in compliance with current Commercial Design Standards in size and quantity.
 10. Landscaping in all open spaces and rights of way shall be maintained by the adjacent property owner.
 11. A maximum of 17,273 square feet may be used for medical and medical related uses.
 12. Approval by the City Engineer must be granted for use of any retaining walls.
 13. One monument sign is permitted on this site, limited to three tenant panels.
 14. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
 - 15. All monument sign tenant panels shall have individual lettering with halo illumination.**
 - 16. The applicant shall add a total of 7 date palms along the Dobson Road street frontage, 4 at the drive entrance and 3 at the corner of Dobson and Flint roads.**
 - 17. The applicant shall work with staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.**
 - 18. All raceway signage shall be prohibited within the development.**

G. UP05-0071 NISHA HINDOCHA RESIDENCE

APPROVED.

Request Use Permit approval to construct a single family home in a multi-family zoning district (MF-1, Medium Density Residential District). The subject property is located at 437 S. California Street.

1. Development shall occur in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. Block walls may not exceed a height of 3' past the home's fascia.
- 4. The applicant shall work with staff to add additional articulation to the building elevations. Examples include window pop-outs and decorative venting.**

H. UP05-0078 CCEV

APPROVED.

Request Use Permit approval for the expansion of a group living facility within a single-family residence.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "CCEV – Catholic Social Service", kept on file in the City of Chandler Planning Services Division, in File No. UP05-0078, except as modified by condition herein.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. Existing and proposed parking spaces shall be striped including the required number of ADA compliance parking spaces with signage.
4. The trash container along Chandler Boulevard shall be screened from street view by a low screen wall and landscaping along the street frontage or relocate trash container along the west property line and provide a low screen wall and landscaping to screen from street view.
5. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

I. PPT05-0048 ARBOLEDA ESTATES

APPROVED.

Request Preliminary Plat approval for a single-family subdivision located west of the southwest corner of Alma School and Germann roads.

J. PPT05-0056 LAKESIDE VILLAGE CONDOMINIUM

APPROVED.

Request Preliminary Condominium Plat approval for a condominium development located south of the southeast corner of Ray and Dobson roads.

K. PPT06-0004 CRYSTAL COVE APARTMENTS

APPROVED.

Request Preliminary Plat approval for a condominium development located south of the southeast corner of Ray and Dobson roads.

CHAIRMAN FLANDERS stated for the record that he would abstain from voting on item A as he is employed by the Architect of Record.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved 7-0 with Chairman Flanders abstaining from voting on item A.

6. DIRECTOR'S REPORT

Mr. Kurtz advised Commission members that the March 1st meeting would be a lengthy meeting and that a lunch would be provided.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is March 1, 2006 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 5:50 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER,
ARIZONA, March 1, 2006 held in the City Council Chambers, 22 S. Delaware Street.

1. Chairman Michael Flanders called the meeting to order at 5:35 p.m.
2. Pledge of Allegiance led by Commissioner Irby.
3. The following Commissioners answered Roll Call:

Chairman Michael Flanders
Vice Chairman Rick Heumann
Commissioner Mark Irby
Commissioner Brett Anderson
Commissioner Dick Gulsvig
Commissioner Angela Creedon

Absent: Commissioner Ryan

Also Present:

Mr. Doug Ballard, Planning & Development Director
Mr. Hank Pluster, Long Range Planning Manager
Mr. Jeff Kurtz, Current Planning Manager
Mr. Bob Weworski, Principal Planner
Mr. Kevin Mayo, Senior City Planner
Ms. Jodie Novak, Senior City Planner
Mr. Glenn Brockman, Assistant City Attorney
Ms. Kim Gehrke, Clerk

4. APPROVAL OF MINUTES

MOVED BY COMMISSIONER GULSVIG, SECONDED BY COMMISSIONER CREEDON
to approve the minutes of the February 15, 2006 meeting. Motion was approved 6-0.

5. CONSENT AGENDA ITEMS

CHAIRMAN FLANDERS stated that the Commission met in a Study Session prior to the Commission meeting to review the items on the agenda. He explained that the Consent Items were marked by an asterisk on the agenda and would be approved with one single motion.

MR. JEFF KURTZ, CURRENT PLANNING MANAGER, stated there were additional stipulations added to items D and F.

D. DVR05-0047 CHANDLER MERCADO

APPROVED.

Request amendment of existing Planned Area Development (PAD) zoning and Preliminary Development Plan (PDP) approval for a shopping center located at the northeast corner of Warner Road and Arizona Avenue.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Chandler Mercado", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0047, except as modified by condition herein.
2. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

3. The freestanding pads shall carry an architectural level of detail similar to front facades of main building.
4. The monument signs' sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
5. All raceway signage shall be prohibited within the development.
6. Wall signage shall be limited to 5' height for major tenants (10,000+ sq. ft.) and 3' height for minor tenants.
7. "Desert Museum" Palo Verde trees shall be planted along the main driveway, paired opposite at 50' intervals.
8. Landscaping shall conform to Commercial Design Standards.
9. **Feature paving shall be installed at the two main entries to the center.**
10. **The applicant shall work with staff to add pedestrian features in front of Shops 'A'.**
11. **The applicant shall work with staff to enhance the monument signage design.**
12. **The applicant shall work with staff to incorporate to a greater degree existing architectural features including pre-cast concrete into all portions of the center.**

E. AP05-0001 / DVR05-0014 PALM LANE (JACKSON PROPERTIES)

CONTINUED TO MAY 3, 2006 PLANNING & ZONING COMMISSION MEETING.

Request Area Plan amendment from Apartments and Corporate Office Regional Service to Medium-Density Residential. Request Rezoning from Planned Area Development (PAD) Apartments and Corporate Office Regional Service to PAD for Medium-Density Residential with Preliminary Development Plan (PDP) approval for a medium-density residential subdivision on approximately 12 acres. The property is located on the south side of Pecos Road approximately one-quarter of a mile west of Arizona Avenue.

F. DVR05-0005 ARTISAN VILLAGE AT GILA SPRINGS

APPROVED.

Request rezoning from Planned Area Development (PAD) Office to Planned Area Development (PAD) Mixed-Use on approximately 9.57-acres with Preliminary Development Plan (PDP) approval on approximately 6.99-acres for the construction of an 85-unit residential condominium development located north and west of the northwest corner of Chandler Boulevard and Gila Springs Boulevard.

1. Right-of-way dedication to achieve full half widths for Chandler Boulevard and Gila Springs Boulevard including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
4. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
5. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative

- action to extend, remove or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zoning classification.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Artisan Village at Gila Springs" kept on file in the City of Chandler Current Planning Division, in file no. DVR05-0005, except as modified by condition herein.
 7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
 8. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
 9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
 10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
 11. Uses permitted within the proposed Commercial Pads as well as the business portion of the 5 live/work units shall be uses as permitted within the Neighborhood Commercial (C-1) zoning district.
 12. Landscaping along Chandler Boulevard shall comply with the Commercial Design Standards.
 13. **The applicant shall work with staff to enhance the entry gates and walls to provide a stronger project identity.**
 14. **The side elevations shall be enhanced with additional architectural elements and colors to diminish the box-on-box nature of the buildings. Details to be worked out with staff.**
 15. **The rear elevations shall include additional colors as provided on the front elevations.**

H. UP04-0056 COWLED INSURANCE AGENCY

APPROVED.

Request Use Permit approval to continue the operation of a professional office within a Mobile Home (MH-1) zoning district for property located at 1505 N. Alma School Road (north of the northeast corner of Knox and Alma School Roads).

1. Any expansion or modification beyond the approved Site Plan shall void the Use Permit and require a new Use Permit application.
2. The designated office parking shall be improved with decorative pavers, concrete, or asphalt.
3. The number of employees occupying the residential conversion shall not exceed two (2).
4. The landscaping shall be improved per the attached Site Plan.
5. The parking shall be screened from Alma School Road by the use of items such as but not limited to parking screen walls, berming, and or additional landscaping/shrubs. Details to be worked out with Staff.
6. The Use Permit shall be effective for a period of one (1) year from the date of Council approval. Operation of the business beyond that date shall require re-application and approval of a new Use Permit.

Prior to the vote being taken, Vice Chairman Heumann wished to thank Engle Homes regarding the project Artisan Village. He said that this development was unique development in Chandler in that it is a 'live/work' situation. He commented that he was excited to see this development coming to Chandler and hoped that others would follow. He thanked them for working with staff in making the adjustments.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER ANDERSON to approve the Consent Agenda with the additional stipulations as read in by Staff. Motion was approved (6-0).

ACTION ITEMS:

A. DVR05-0050 MADERAS

Request rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a custom home single-family residential development with Preliminary Development Plan (PDP) approval for subdivision layout and housing product design guidelines. The property is located southwest of the southwest corner of Queen Creek and Cooper Roads.

JODIE NOVAK, SENIOR CITY PLANNER, stated this is a proposal to rezone land to allow a custom single-family home residential development. The project also includes a request for Preliminary Development Plan approval for the subdivision layout as well as the design standards for custom homes. The property is located on land that is southwest of the southwest corner of Queen Creek and Cooper roads. It is located in the Airpark Area Plan.

Ms. Novak said that the development is approximately 14.78 acres and will include 22 lots at a density of 1.5 dwelling units per acre or less. The development is located within an area that is predominately rural agrarian. There are a lot of rural ranchette acre lots that lie to the west, south, and to the north side of this development. The application is proposing to do ½-acre lots and to do them within a gated subdivision. The homes will predominately be one-story homes, but there are approximately 4 lots that are limited to two-story homes and placed within the center of the development. The subdivision has several diversity elements that have been applied in terms of a sense of arrival into the neighborhood. The access for the property is off Cooper Road. There is a private road that will be developed as a part of this project that extends from Cooper Road west to the main entrance into the project. It will be a tree-lined boulevard entrance. There will be a gate with decorative wall features and landscape planters, as well as wrought iron fencing to their open space areas. The development also includes some cul-de-sacs, interior view fencing, tot lot, as well as a common retention area/playground area on the northwest corner of the development.

The design guidelines for the housing products have been set forth in the Development Booklet. Ms. Novak stated that staff would administratively review each of the homes as they come forward for permit in the future. The Design Guidelines set the standards for the quality of the homes, as well as the height and size of the homes. There are provisions to allow guest homes in the community. The setbacks are 30' in the front of the project, down to a 20' setback for side-entry garages. The rear yard setbacks are a minimum of 30' for one- and two-story homes; side yard setbacks are 10' for each side yard, and 20' if the home is on the corner; and a maximum lot coverage of 40%. The development has also taken initiatives to restrict where two-story homes can be located, making sure there's not the exact same floor plan or elevation built on adjacent lots or across the street from one another, as well as making sure that the roof ridgelines vary on adjacent lots throughout the development. They have also required that the one-story homes be along the west property line abutting the Twin Acres subdivision, ensuring that they do not have two-story homes next to existing residential.

The property is part of the Airpark Area Plan. The underlying land use for this project is rural residential, but it is also a Transitional Overlay Area. The Airpark Area Plan represents guidelines that have been passed down through the General Plan for the City. Ms. Novak stated that as rural residential this property, which would allow one- and two-story homes from a range of 0 to 1.5 dwelling units per acre. The rural residential designation is consistent with existing residential that is out there, as well as any proposed residential that might come into the area.

The Transitional Overlay is an overlay zone that allows for in the long term, in the future, a variety of commercial and industrial land uses based on compatibility with the area and with existing land uses at the time the request would come through. The transition from a residential use to a commercial land use is based on the economics and as it becomes favorable in the future for this area to even do the conversion.

The Airport Area Plan sets forth parameters that would need to be met for transitioning out of a rural residential category into a commercial or industrial land use.

Ms. Novak further stated that the development is consistent with the land use that is allowed under the designation. The request has also gone before the Airport Commission because it is in the airport area. The Airport Commission did a complex evaluation and determined that there was no conflict with the proposed development.

Ms. Novak stated that staff is recommending approval of the development. The land use as it is consistent with the Airport Area Plan, the quality of the development for the subdivision layout, as well as the guidelines for the housing product, are consistent with the city's standards. The applicant has met with the neighborhood and held a neighborhood meeting. She's also talked to residents in the Twin Acres subdivision west of the project. In response to concerns from the residents, certain zoning stipulations have been added into the development, which would include stipulations that the developer has agreed to limitation on single-story homes. The developer will provide an 8' perimeter wall on the west and south property lines to further provide additional buffering from the adjacent residential. The developer is eliminating certain plant species, trees, and shrubs, which could be hazardous to horses. Ms. Novak went on to explain other stipulations that had been placed on the development.

Ms. Novak stated that in conjunction with the rezoning case there is an annexation that was being processed. A portion of the overall acreage is being reviewed through Council to be annexed in to the City. A portion of the property is still in the County, and a portion of the property is within the City.

Ms. Novak summed up that staff is recommending approval of the request.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Maderas," kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0050, except as modified by condition herein.
2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Road improvements for Markwood Drive to be in conformance with all City standards.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent homeowners' association.
7. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through

sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Maderas (DVR05-0050) development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. All homes built on corner lots within the residential subdivision shall be single-story.
11. Lots 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 shall be constructed only with single-story homes. Two-story homes are permitted on lots 2, 3, 4, 5, and 6 only.
12. No more than two identical side-by-side roof slopes should be constructed on adjacent lots.
13. No more than two lots in the development shall have the exact same floor plan and/or exterior building elevation.
14. The tot lot shall be a minimum of 10 total play stations.
15. A minimum of two trees at a minimum of 2-inch caliper each shall be planted in all front yards.
16. Oleander trees and shrubs, Red Maple, Black Locust, Yew, St. John's Wort, White Oak (acorns), Cherry Trees, and Black Walnut plants are prohibited within the development.
17. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
18. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department. The homebuilder shall post a copy of the City Facilities map in the sales office showing the location of future and existing City facilities.
19. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby a future heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to or nearby a future heliport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the

homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

20. The following stipulations shall be the responsibilities of the sub-divider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler:
- a. Prior to any lot reservation or purchase agreement, any and all prospective homebuyers shall be given a separate disclosure statement, for their signature, fully acknowledging that this subdivision lies within the Chandler Municipal Airport Impact Overlay District, as specified in the Chandler Zoning Code. The disclosure statement shall acknowledge the proximity of this subdivision to the Chandler Airport and that an avigational easement exists and/or is required on the property, and further, shall acknowledge that the property is subject to aircraft noise and overflight activity. This document signed by the homebuyer shall be recorded with Maricopa County Recorders Office upon sale of the property.
 - b. The subdivider/homebuilder/developer shall also display, in a conspicuous place within the sales office, a map illustrating the location of the subdivision within the Airport Impact Overlay District, as well as the noise contours and overflight patterns, as identified and depicted in the document entitled *Chandler Municipal Airport, F. A. R. Part 150, Noise Compatibility Study, Noise Compatibility Program, Exhibit 6A (Potential Airport Influence Area)*, as adopted by the Chandler City Council (Resolution No. 2950, 11-5-98). Such map shall be a minimum size of 24" x 36".
 - c. The above referenced information shall also be included within the Subdivision Public Report to be filed with the State of Arizona Department of Real Estate, as required by Arizona Revised Statute 28-8486 and Arizona Revised Statute 28-8464.
 - d. Compliance with this condition shall be demonstrated by the subdivider/homebuilder/developer by submittal of a signed affidavit and photograph that acknowledges this disclosure and map display prior to beginning any sales activity. Failure to comply with this condition will result in revocation of the Administrative Use Permit for the temporary sales office. All requirements as set forth in this condition are the obligation of the subdivider/homebuilder/developer and shall not be construed as a guarantee of disclosure by the City of Chandler.
 - e. The subdivider/homebuilder/developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
 - f. All homes and buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.
 - g. The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

"This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."
21. Interior street lights shall be a reduced height decorative design pole with downward light fixtures.
22. The development shall provide, as presented in the Development Booklet, an 8-foot high perimeter wall along the west and south property lines.
23. The applicant shall work with Staff to re-design entry pavement to create a contiguous pavement edge along the south side.
24. Homebuilder/lot developer shall provide a one-page disclosure form, identifying with bullet points, those items or adjacencies as required by this ordinance to be disclosed with a signature line of acknowledgement for each bullet point item.

VICE CHAIRMAN HEUMANN inquired how the guest homes would work with regard to the setbacks on the property.

Ms. Novak responded that the guest homes would need to comply with the same building setbacks as the single-family home would need to. It is considered an accessory building, so the parameters of the setbacks as presented in the Development Booklet and the memo would have to be met for the guesthouse as well.

The Vice Chairman also asked whether Markwood Drive going out to Cooper was part of the project and who was going to maintain that. Ms. Novak said that the private road on the west side of Cooper that leads westward into the development is going to be constructed and maintained by the development, an easement that is part of their HOA to be maintained along with the landscaping. She said that it would match the alignment of the existing Markwood Drive on the east side of Cooper.

In response to a question from **CHAIRMAN FLANDERS**, Ms. Novak commented that the property to the east is owned by the Roman Catholic Diocese of Phoenix, which has plans to construct a future church on the parcel. She stated that at this time no access has been provided but when the church brings forward their plan there will be opportunity, working with the developer, to access it if they wish to do so. She added that they have no intention to do so at this time. She advised that the properties on the southwest corner of the private alignment and Cooper Road will not have access to the road at this time since the road is private and specific for the Maderas subdivision. She noted that plans are currently being reviewed for an office/condominium development on the property immediately north and abutting the north side of the Maderas project (UTAZ). She said that in the Twin Acres subdivision use permits have been issued for land uses that would not normally be allowed such as horse-boarding facilities and a use permit application is in process for another business, a wood manufacturing/lumber company, that will eventually be processed through the hearings.

COMMISSIONER IRBY asked what was happening on the private drive (the continuation of Markwood) and said it appears to be only a half street. He asked whether the potential exists for that to become a whole street. Ms. Novak replied that the development is required to provide access from Cooper Road and they are proposing a private road and the cross-section is 38 feet, which would provide for a sidewalk on the north side of it, a landscaped tract, utilities, etc. She added that if the development on the south side of it were to expand and access was needed, that could occur in the future but at the present time it is just going to be more improved on the north side and then the pavement would taper off prior to the properties on the south side. Discussion ensued regarding the issue of transition in that area and staff advised that an asphaltic curb would be constructed to serve as a barrier or temporary edge to the road.

ED BULL, 703 E. Osborne, representing the applicant, said that they completely agree with staff's analysis and appreciate their recommendation for approval. He added that they accept all 22 staff recommendations and stated that they agree that the application, consisting of 22 custom lots on the relatively isolated parcel, makes a great deal of land use sense, is consistent with the General Plan and the Airpark Area Plan and that the site is outside of the City's noise contours. He said that they also appreciate the Airport Commission's findings in this case and, with respect to the overall design, appreciate staff's comments on this well designed custom lot subdivision on this transition parcel. He requested the Commission's approval in accordance with staff's recommendation. He pointed out that the site is really "tucked in" and has no frontage on either Queen Creek Road or Cooper. He said that they have a private access way but no arterial street frontage. He commented that they are now talking about a 22-lot subdivision with cul-de-sacs and open space for the nice entry feature, etc. He referred to adjacent properties, particularly to the west, and noted that there is an existing irrigation ditch that separates the west property line from existing homes by up to 30 feet and said that they have agreed, by stipulation, to place an 8-foot wall along the western boundary and southern boundary. They have also agreed to limit all of the homes in that area to one story and said that there are only five homes in the entire subdivision that are not limited to one story. He added that they have agreed to limit certain plants and stated that there is no vehicular access to or from the west and a number of items have been designed into the small infill subdivision to help assure compatibility with neighbors on all sides.

MR. BULL commented on the neighborhood meeting that was held and said that he was not in attendance but knows that there was both support for and opposition to the project. He stated the opinion that the concerns that could be addressed have been addressed in the stipulations and the concern they cannot resolve short of abandoning the project is one based somewhat on some citizens' desire for the property and others in the area to become commercial. He reiterated that the proposal is consistent with the City's adopted plans and said that following citizen input, he would like the opportunity to once again address the Council and respond to any expressed concerns. He expressed the opinion that the proposal makes a great deal of land use sense for this particular parcel and urged the members of the Commission to vote in support and recommend approval.

COMMISSIONER ANDERSON asked whether any discussion had taken place with the Diocese regarding accessing the church property along Markwood Drive. Mr. Bull responded that that issue will be addressed when the plans are developed for the church property and go through the City's processes. He said he believes access is a possibility but the church has not yet planned the site.

VICE CHAIRMAN HEUMANN referred to some letters received from neighbors and stated that in looking at the plan he would like Mr. Bull to address 55 ldn that cuts across the northwest corner of the property. Mr. Bull discussed the City's zoning map and indicated the 15 acres they were talking about this evening. He noted that the map shows the City's noise contours and the 55 ldn line is located completely off of the Maderas site. He stated that there is a slightly different noise contour on the Airpark Area Plan and said that the 55 ldn noise contour on that plan, many years ago, was based upon the proposed expansion of the airport, which has not occurred. He added that as a result of many factors, noise contours were updated and reflected on the City's zoning map, which has the 55 ldn line completely off the property. Staff advised that the zoning map should be referred to for accuracy sake and noted that the zoning map was adopted just a couple years ago and is the most up to date.

CHAIRMAN FLANDERS thanked Mr. Bull for his presentation and stated that he would now call the speakers to come forward with their comments subject to a three-minute time limitation and requested that they point out the location of their properties on the map displayed in the Chambers.

Jerry Hopkins, 3221 S. Eagle Drive

Mr. Hopkins said that he is opposed to the project and has filed a petition against it. He added that he would allow his neighbors, to has conducted extensive research on this matter, to elaborate on their concerns.

Geesje Stevens, 3151 S. Eagle Drive

Ms. Stevens advised that her property abuts the proposed subdivision and is directly behind her home. She said that the developer claims that they have an irrigation ditch as part of the setback to serve as a buffer but noted that the irrigation ditch is on her property line and it is a 30-foot easement. She added that she would like to allocate the remainder of her time to Ms. Sorenson.

Tiffini Sorensen, 12539 E. Queen Creek Road

Ms. Sorensen commented that the Chandler Airport has been described as the City's economic engine – the City's last opportunity for economic development. She expressed the opinion that it is time to start preserving the City's remaining prime commercial locations prior to the rapidly approaching build-out of the City. She said that the cash flow generated as a result of commercial development will positively impact the entire community. She added that it is critical that the areas around the airport be reserved for commercial development and noted that the land use was created back in 1998 and the 20-acre parcel of commercial property shown on the plan will show that the economics are favorable and commercial

zoning is now beginning to occur. She said that back in 1998-99, when the map was done, Federal monies were used to conduct the 150 Noise Study, which states that the two existing rural subdivisions are the only incompatible areas within the noise contours. She noted that both are designated in the Airpark Area Plan as transitional use areas where commercial and light industrial uses will be permitted. She added that it is clear that they designated the entire subdivision as houses surrounding the complete area in the transitional area. She further stated that the goals outlined in the General Plan stated that it is clearly the City's intention to promote commercial properties in the airport area and prevent residential encroachment. She added that policies state that specific actions that guide decision making and should be complied with and satisfied. Ms. Sorensen referred to the Transitional Area plan and said that Policy 5.3 states that the City shall prohibit new residential development within the airport's 55 ldn noise contour. Policy 4.3 states that the City shall work with the property owners in the Airpark Area's two transitional areas to convert the properties to uses more compatible with airport operations. Policy 4.6 states that the City shall require all new development within the transitional overlay zone to provide adequate buffering and adhere to the transitional overlay zone's development requirements. She noted that those requirements state that the transitional areas have the potential for a variety of commercial land uses based upon compatibility with surrounding land uses. This land use allows a transition from residential to commercial land uses as economics become more favorable for the transition to occur. Transition areas must be transitioned from rural residential to a compatible commercial use according to the following guidelines: All requests for rezoning are for a specific proposed commercial project with committed funding. Ms. Sorensen said that if the City approved the rezoning of the subdivision it would be detrimental to the City's financial future and requested that they preserve the vision and goals for this area.

Dennis Stevens, 3151 S. Eagle Drive

Mr. Stevens stated that he has reviewed the minutes of the Airport Commission's meeting and said that although they did approve the project, they wrongly described the property as being south of Queen Creek Road and east of Cooper Road. He said that in reviewing extensive files he cannot find anything that describes what is exactly going into the area. He clarified that the church parcel is 10 acres in size, not 20 as reflected in the minutes, and expressed the opinion that the members of the Airport Commission are not being told what is really going on in the area. He questioned whether any member of the Airport Commission who would stand to profit from the property is able to participate in discussions and/or votes regarding this issue.

CHAIRMAN FLANDERS responded that the question is not really relevant to what is occurring at this time and suggested that Mr. Stevens meet with him later on to discuss his question.

Mr. Stevens discussed the proposed private road and said strong concerns exist regarding the maintenance of that road and said the issue of whether the 33 feet is an easement or is owned by the developer must be clarified. He noted that the City says it is an easement (in legal description).

MS. NOVAK advised that when the property is platted from an engineering standpoint, that strip will be dedicated as an access easement or private drive.

Mr. Stevens said that the strip is owned by the developer and considerable conversation took place as to whether they should allow the street to be in there and have the City maintain it for only 22 properties. He added that 3300 feet of sewer line is going to be put in, not 660 feet, and the City will have to maintain that as well. He expressed the opinion that someone is trying to "push this case through the City" and inaccuracies exist.

He noted that there is a proposed commercial parcel located north of this property and the church and said that it will be 15 acres in size if approved. He added that presently they have 80 acres of AG-1 and half of the 80 acres is covered by the 55 ldn noise contour and residential development cannot occur. That

land can only be transitioned to commercial and industrial. He said that if they have commercial on one corner, half of the 80 acres cannot be anything but commercial and then there would be this little subdivision. He said that as far as the south portion of that, they are waiting to see what happens with this one and then they will come in and develop more residential properties.

In response to a request for clarification from the Chairman, **MS. NOVAK** confirmed that anyone who wants to develop existing AG property can do so and put one house per acre. She added that anyone who wanted to develop a higher-density subdivision would have to go through the City's zoning process. She noted that there may be issues associated with noise contours over the area as far as noise attenuation and compatibility.

Mr. Stevens referred to both maps and said that the Airport Area map shows a main road swinging out around the extended airport runway. He noted that a number of years ago, the airport runway was extended to 4500 feet and the map the developer says is the latest one shows Germann Road running straight through, a short runway, and Cooper Road going right through the airport. He stated the opinion that the property is within the noise contour.

MS. NOVAK advised that the noise contour maps reflected on the City's official zoning map were approved a few years ago by the Council. She added that the map referred to by Mr. Stevens is not a City map, it came off of the County's website.

CHAIRMAN FLANDERS confirmed for the benefit of the viewing ordinance that in accordance with the new City map that was approved by the Council two or three years ago, the noise contours do not go over the project.

Chris Sorensen, 12539 E. Queen Creek Road

Mr. Sorensen stated that according to Mr. Bull, the area is not within the 55 ldn area but said that last year Chandler Airport had 234,000 operations take place, take offs and landings. He expressed the opinion the zoning procedures were not properly followed and no one from the City was present to answer questions at the neighborhood meetings. He added that there was no notice of today's public hearing advertised fifteen days prior, as required, the County Planning agency was not notified of the public hearing and the laws state that properties that abut unincorporated areas or territories must send notice to the County informing them of public hearings. He expressed the opinion that the proposed subdivision is not compatible with the airport or the agricultural area around it and added that it is possible that someone else could put in the road that the developer is trying to put in and develop some light industrial or properties at that location. He noted that the Twin Acres subdivision was built 30 years ago before the airport became busy. He requested that a new noise study be conducted and new maps drawn before any decision is made. He questioned whether they really wanted to put more homes in close proximity to the airport. He pointed out that the City of Chandler was recently awarded \$3 million to construct a heliport.

VICE CHAIRMAN HEUMANN said that Mr. Sorensen made reference to dissimilar land uses between the custom property and the resident's properties and asked him to expand upon that. Mr. Sorensen responded that the property he lives on is zoned AG-1 and the owners have livestock. He added that there is going to be 90 horses located right over the 8-foot wall, bringing flies, insects, and dust. He said that he would like the property zoned commercial. He said that in Twin Oaks he is not aware of any houses being sold due to concerns regarding the possible commercial zoning that is being requested.

MS. NOVAK discussed the issue of notification and said that the initial notice stated that this case would come before the Commission on February 1st and the matter was continued. She said that in conjunction with the February 1st date, the City published a 30-day notice in the newspaper, according to policy, and letters were sent to all property owners within a 600-foot radius in any City-registered neighborhood group within a quarter of a mile (names and addresses are pulled off of the County's website) and the

applicant posted a 4 foot by 8 foot sign on the property along Cooper Road. She noted that since the case was continued, the applicant was required to update the dates on the sign but another notice does not get sent out and the meeting notice is not re-advertised since it is considered to be an ongoing case from the initial notice.

COMMISSIONER GULSVIG said that approximately two-thirds of the property appears to be County land and although incorporation is being applied for, to date this has not occurred. Ms. Novak stated that the larger northern 10-acre portion of the site is in the County and going through the annexation process. She added that the County will work on that annexation prior to acting on the zoning case. She emphasized that the Planning Commission has the authority, as a recommending body, to review the zoning request. She added that annexations do not come through the Planning Commission, they are done by ordinance through the City Council. She said that the Commission has the authority to review the request and forward a recommendation on to the City Council and when the Council reviews the annexation request, the introduction of the ordinance pertaining to the annexation would appear on the Council's March 6th agenda. The Council, at that time, would be aware of the action that took place this evening and use that as part of their decision regarding the annexation proposal. By the time the final adoption of the annexation request comes forward, the rezoning request will be brought forward as well. Staff advised that the zoning request, if approved, will not be effective until after the property has been properly annexed into the City and this is permitted by law and has occurred in the past.

Wm. Valentic, 1724 S. Beverly Ct.

Mr. Valentic addressed the Commission and spoke in support of the project. He noted that he owns eight acres of land and has a common boundary with the project of about 660 feet. He said that when he acquired his parcel of land his intention was to build a custom home and he is working on plans right now. He expressed the opinion that the entire area would be enhanced by the proposed subdivision and noted that it would be located between a church and an existing subdivision. He added that concerns noise levels can be well addressed in a disclosure statement to potential home buyers and is not relevant because the noise levels will remain unchanged. He said that as far as the 30-foot easement (buffer zone on the east side of the property – an irrigation easement) the property may not be currently owned by the developer but it exists and cannot be used for anything except irrigation. He stated that as long as individuals live in that subdivision, the easement will exist and serve as a viable buffer. He commented that citizens have concerns that if the property is not zoned commercial they will suffer financial impacts because they believe this to be a “nest egg.” He reported that he sold a 9-acre parcel on Arizona Avenue and has one in escrow right now with a co-owner and the land is going for approximately \$250,000 an acre. He pointed out that the property is located next to a storage facility and has railroad on one end and improved Arizona Avenue property on the other. He added that their properties that contain homes are far more valuable than commercial property. He said that if they are hoping to use their property in the future for commercial or industrial uses and gain more value, they should look at what happened in Mesa with the Bailey case. He doubted whether they could get all of the property owners in that subdivision to go along with such a plan.

Denise Hopkins, 3221 S. Eagle

Ms. Hopkins stated that her and her husband's home is right behind the proposed project and would significantly impact them. She commented that because of the air traffic noise, they cannot have conversations outside of their home and said that new homeowners would experience the same thing. She said that regardless of whether they go commercial or not, they happen to be one of the horse boarding facilities in that area and that is their livelihood. She stated that she is opposed to the request.

Debby Thude, 2407 W. Laredo Street

Ms. Thude said that she lives on a one-acre non-homeowners association lot that is not irrigated. She added that not too long ago, she acquired a two-acre parcel on Cooper and Nightingale with the intent of building homes for herself and her daughter on acre lots (with no HOA). She stated that she cannot envision commercial properties being developed right in the center of the mile section. She requested that the Commissioners recommend approval.

Jared Hendrickson, 2049 E. Leo Place

Mr. Hendrickson, a local real estate broker, said that he has been appraising property in Chandler for almost 14 years. He spoke in support of the project and agreed that the airport noise is not going to go away. He added that people who buy in subdivisions located in close proximity to airports know what they are getting into and want that type of lifestyle. He noted that a strong demand exists for custom lots in Chandler and expressed the opinion that the proposal will enhance what is going on at the airport. He added that there will be plenty of commercial space available but the parcel in question is not viable for businesses and is the ideal spot for a residential subdivision. He said that he has never in all his years of experience seen a custom subdivision go in that negatively impacted surrounding areas. He added that the residents might be thinking that a commercial developer will come along down the road and buy them out but his experience has been that custom home development only enhances the area.

Scott Dastrup, 2111 E. Azela Dr.

Mr. Dastrup advised that his home is located approximately 1,000 feet from the proposed development. He spoke in strong support of the project because he believes it will benefit the overall area. He added that he is also a real estate agent and expects that the value of his home will increase measurably as a result of the subdivision going in. He stated the opinion that the value would not increase as much if an industrial park went in on the other side of the street. He commented that the potential for the residents to sell their land for more money if it is commercial/industrial zoned rather than residential in his opinion is not true or realistic. He added that as far as the airport noise, he and others in the area moved there because of the airport and the proposed development and the noise does not prevent him from carrying on conversations outside of his home.

Maria Hathcock, 3497 S. Valerie Dr.

Ms. Hathcock informed the Commissioners that she lives in the Sienna community, just west of Cooper, and spoke in support of the proposed development. She stated the opinion that the project will enhance the entire area and many of her neighbors feel the same way. She added that commercial/light industrial development would be detrimental to their lifestyles and property values and the possibility of the residents' land being sold for commercial use would not occur for a very long time, if ever. She said that she too chose to live in the area because of the airport and the noise does not create a disturbance for her.

John Powers, 3156 S. Diamond Dr.

Mr. Powers spoke in opposition to the proposed development and said he has over ten years experience on both a Planning Commission and Zoning Board of Appeals. He stated that the issue is "use" and when he served on the Commission, he took into account three things: master plan adoption, policies set forth by the public and ratified by the Council and State/Federal law. He said that they must consider all of the factors associated with the airport – expansion, the potential heliport flight path zone, the fact that no one from Twin Acres is looking to gain financially. He added that from McQueen to Cooper is potentially a transitional zone and has been identified for commercial use and everything north to Cooper is industrial and commercial so it is going to happen. He stressed the importance of achieving balance. He said that he specifically moved into that area because of his son, an equestrian-minded individual, and for himself

because he is a pilot. He stated that the new development will generate a significant number of new complaints regarding noise. He noted that he was forced as a Commissioner by Federal standards to allow an affordable living lifestyle to go in next to a freeway and said that the lifestyle does not work as far as comfort and noise and that was the biggest mistake he has ever made. He commented that the developer is looking to maximize profitability and said that it is not an "infill project," it is a "shoe horn development." He urged the Commissioners to deny the request and adopt a specific area plan at a community-based Study Session and allow public input from the community to take place. He said that collectively they should reach a consensus and further enhance the neighborhood.

Terry Valencia, 12619 E. Nightingale

Ms. Valencia stated that homeowners went through the same thing with homes being built behind them and as a result, trash is being left, youths are mistreating the horses and there are complaints about noise, flies, dust and noise levels. She said that the proposed subdivision will only increase the number of complaints and no more homes should be developed in that area so that the residents can enjoy their County quality of life.

CHAIRMAN FLANDERS thanked all of the speakers for their input.

MR. BULL readdressed the Commission and said that he believes at the heart of many of the concerns is a desire to someday sell their properties to a commercial developer. He referred to the City's adopted Airport Area Plan and said that the opponents view this differently than City staff and the applicant and they have different views as to what would be an appropriate land use for this site. He commented that someone implied that perhaps the Airport Commissioners did not know what they were really looking at when they approved the application and said he was not personally at the meeting when that occurred, but a representative of BBW was there and he assured him that the Commissioners knew exactly what was going on and the location of the property. He said that the plans provide that the land is designated for residential uses at low densities only if certain transition guidelines are satisfied, and they have not been, can someone request commercial zoning without amending the City's adopted Airport Area Plan. He added that the existing zoning in the County is also residential and if annexed into Chandler, the City's original zoning would be residential (AG), which allows a residential use at one house to the acre.

MR. BULL noted that the City's General Plan designates the zoning on this property as residential with low-densities up to 3.5 per acre and the Airport Area Plan designates it as residential at up to 1.5 per acre, which they are within. He said that the transition area has guidelines that are associated with it (detailed in the staff report) but those guidelines are set forth as adopted guidelines in the adopted Airport Area Plan. He stated that the essence of the meetings in 1999 and the guidelines call for this area to transition with a 40-acre or more assemblage that is unanimous, it must have real financing in place, not fragmented. Even if those criteria were satisfied, they certainly don't grant zoning and it certainly doesn't require anyone to request commercial zoning on their property. He said that they could build houses today; the General Plan and Airport Area Plan's underlying designations call for houses within the density that they are talking about. The transition guidelines have not been satisfied and even if they were, they don't want to be residential and many of the neighbors don't want them to be residential. He emphasized that they are not trying to put a couple of houses in the middle of an existing industrial park. They are talking about providing a custom lot subdivision on a parcel that is separated and isolated from both Cooper and Queen Creek Roads, surrounded by other residential uses, and will be bounded by additional residential uses and a proposed church. He added that they are consistent with the plan and consistent with the land use planning and although they agree that it makes sense for the City, as they have done in other locations, to preserve prime commercial sites, this cannot be considered a prime commercial site. There is no arterial frontage, no window to an arterial, it is isolated and, as indicated by one of the speakers, there is a great deal of commercial and industrial opportunities on far superior sites elsewhere in the Airport Area Plan.

MR. BULL also discussed noise contours and advised that the zoning map provided by staff is accurate and updated as of January 2005. He noted that staff has conducted a very thorough analysis and has developed a large number of stipulations which the applicant is willing to abide by. He requested that the Commission bring forth a recommendation of approval to be forwarded on to the Council.

CHAIRMAN FLANDERS thanked Mr. Bull for his comments.

CHAIRMAN FLANDERS asked Mr. Bull what the estimated cost of the lots will be and Mr. Bull responded that the current estimated value would be between \$350,000 and \$450,000. Chairman Flanders said that they were possibly looking at building million dollar homes in the subdivision and Mr. Bull agreed.

In response to a question from **VICE CHAIRMAN HEUMANN**, staff referred to a map that showed the current and future location of the heliport (the other side of the airport).

COMMISSIONER GULSVIG said that someone mentioned that an application will be coming in regarding property to the north and asked for additional information on the application. **MS. NOVAK** responded that immediately to the north there is a proposal for office/condominium buildings. She added that the property at the southwest corner of Queen Creek and Cooper is being proposed for commercial use. She reported that south of the Maderas property there is existing rural residential properties (either agricultural or vacant and some ranchette homes). She said that she is not aware of any proposed development in this area.

COMMISSIONER GULSVIG stated that he came into the meeting this evening with the intention of not allowing the application to move forward simply because they are looking at a land use area with two dissimilar types of uses, the Twin Acres property to the west and the application, which is a different type of residential area. He added that after listening to all of the arguments presented by everyone, he believes that Mr. Bull presented the best argument in favor of it and his position has been swayed and he will endorse the application.

VICE CHAIRMAN HEUMANN said that in terms of the land use, he believes that the project fits the noise contours and other things. He stated that he does have a concern about rural lifestyles and airport noise or people moving in and having problems with noise. He questioned what could be done as far as disclosure when ownership changes, to ensure that the airport is protected while safeguarding the rural lifestyle of the existing residents in the area. He asked what they can do to make sure that the disclosures stay with the land and are passed along from ownership to ownership.

Assistant City Attorney **GLENN BROCKMAN** advised that among the stipulations proposed for the project there are disclosure requirements. He said that he believed they are built into the CC&R's that are applicable to the land, in which case they would continue with the land for any subsequent purchases. He added that the disclosures would show up in the public records so any potential purchasers of the properties would be able to pull a title report and the CC&R's would show up and make reference to the fact that the property is located near an airport. He stated that he was not sure whether this property would fall under the aviation easement and was advised by staff that it does. He said that the aviation easement will cover all of these properties and any subsequent purchaser would be able to read the documents.

VICE CHAIRMAN HEUMANN asked whether they could stipulate that full disclosure on this property, subsequent to ownership, must occur. **MR. BROCKMAN** replied that he has seen cases where that type of covenant, before any amendment, change or removal of that type of covenant of disclosure occurs, must obtain the approval or consent of the City. He said that based on the fact that the aviation easement is in place and because of the apparent location of the airport, he does not believe that this type of action is necessary.

MS. NOVAK advised that stipulations have been included for the airport as well as the other disclosures and the language specifically states that disclosure will be in the public subdivision report, the purchase contracts and the CC&R's.

VICE CHAIRMAN HEUMANN stated that for the protection of the residents in the area with horse properties, etc. he would like to know what kind of disclosure can be required. **MR. BULL** expressed the opinion that the stipulations that relate to that issue are 17 and 20. He said that Stipulation 17, drafted by staff, calls for disclosure of the agricultural activities that occur to the west. Staff is calling for a separate disclosure statement to be signed by each buyer and for a public subdivision report, purchase contract and CC&R disclosures. He said that what could be added to No. 17 is a written disclosure statement of the agricultural activities to the west and said that it could be a recordable and public document. He noted that this would show up in the chain of title to subsequent buyers in the future.

VICE CHAIRMAN HEUMANN thanked Mr. Bull and said that that was what he was looking for. **MR. BULL** advised that the applicant is agreeable to adding on to No. 17 as stated.

COMMISSIONER ANDERSON said that he was not opposed to the land use, just some items within it, such as the Markwood Drive situation. He stated that doing a half street on Markwood Drive with residential on the south side already may hamper the south side from development and place a burden on that area. He expressed the opinion that the transition is somewhat awkward coming from the entryway onto Markwood, an abrupt turn, and said he has an issue with that. He added that perhaps they should determine now whether the church would ever access off of Markwood to be able to possibly shift the road upwards by the church side a little bit and do a shared driveway there. He said that south of Markwood Drive there are a couple of homes against Cooper and some lots back behind it. He asked who owned the lots and whether they were the owners who live in the front half.

MR. BALLARD, PLANNING & DEVELOPMENT DIRECTOR, addressed the issue of the street and said it is a half road but it allows for two lanes of travel (24 feet) both ways and in essence will function as a full road. He stated that they don't know whether the rest of the road will be developed and added that it will be dependent upon when the properties south of there develop. He commented that Commissioner Heumann is referring to parcel splits, not lots, and noted that the City does not have any authority or jurisdiction over them. The City does not recognize the parcel splits as lots. He noted that when the original homes were built, decisions were made that may impact the ability to make other decisions later. He reported that from a service standpoint, the road is adequate but no choice exists to move it anywhere else. He said he supposed they could bring it further back into the property and start to curve it to get it off of the adjacent property. He stated that he was not sure who owns the ownership pattern in there, the parcels were created by land sales and may not have any sound planning basis.

COMMISSIONER ANDERSON expressed the opinion that the entry round-about area needs a little work since the road might never go through and there may be years with a weird transition at the entry itself. He added that he can see some traffic problems occurring as a result of this based upon having to take a pretty severe turn to get out of the subdivision.

CHAIRMAN FLANDERS asked whether Commissioner Anderson was looking to direct engineering staff to take a look at that as the project goes through the process and Commissioner Anderson responded that he would like staff to redesign some of the entryway geometry to accommodate for a final condition today. **MS. NOVAK** advised that the road at that location has been designed according to the City's traffic standards. She noted that it is not intended to taper exactly back onto the asphalt for the private drive but it does allow somebody to turn around and pull off to the side. She added that it is wider further east to allow enough room for someone to do a turnaround and have sufficient room and visibility to see cars that might be heading westward. She cautioned that if they shortened it up or narrowed it, views

from westbound Markwood Drive would be hampered. She noted that they worked with staff to ensure that the road was sound and safe for vehicular movements in and out of that area.

COMMISSIONER IRBY advised that the private drive bothers him the most. He said that if the property to the north of the drive ever wants to have access to the private drive, he thinks they could add a stipulation that the north property would secure the right-of-way on the south side of the private drive to do a full street improvement or realign the drive onto their property to create a full street improvement. He added that the problem with that is they could end up with an issue when they come out onto Cooper Road. He also suggested that they redesign it so that the street at least has the appearance of a completed street (a curb on the south side, which could be temporary) so that the street does not end up being an eyesore because only one side was improved. He advised that he would like to see some redesign of the transition of the gated area into the half street so that it does not look incomplete.

MR. BALLARD advised that staff could prepare a stipulation for the Commission's consideration.

VICE CHAIRMAN HEUMANN asked what the limit was on the height of the two-story homes. **MS. NOVAK** reported that typically the height limitation for a two-story home is about 30 feet and noted that this is contained in the documentation. She confirmed that lots 2, 3, 4, 5 and 6 would be allowed to contain two-story homes and there are no apparent impacts on other properties.

CHAIRMAN FLANDERS noted that the Commission recently approved several other developments (custom home subdivisions) in Chandler and stated that in his opinion, the proposal before them has met all of the criteria contained in the City's various plans. He said that he was having a hard time not approving the request and he agrees with staff's recommendation for approval.

COMMISSIONER ANDERSON said that from a strict land use the project represents a very good transition.

COMMISSIONER CREEDON concurred with the Chairman and Commissioner Anderson's remarks and stated that the applicant has done a tremendous job in working with the neighbors and addressing concerns through plan revisions. She indicated support for the project.

VICE CHAIRMAN HEUMANN said that he would like to propose a motion and then asked for the assistance of Commissioner's Irby and Anderson in crafting language for additional stipulations.

MOVED BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER CREEDON to **APPROVE DVR05-0050 MADERAS** with the following additional stipulations: Stipulation No. 17, Additional language to be added for this stipulation to be recorded as part of the record with title (staff to work out the legal language) in perpetuity for future sales; Stipulation #23 to read "A one-page disclosure form will be given to the homebuyer with bullet points and places to initial that they were informed about the airport's presence, agrarian areas, all of the disclosure points that need to be included"; Stipulation #24, Staff to work with the applicant to redesign the entry pavement to create a contiguous pavement edge along the south side." Motion was approved (6-0).

MR. KURTZ noted that this item was scheduled for the March 23rd Council meeting. The Introduction of Ordinance for the annexation was scheduled for March 6th, and the Final Adoption scheduled for March 23rd.

CHAIRMAN FLANDERS thanked the adjoining neighbors for their attendance at the meeting to discuss this issue and called for a short recess at this time.

B. DVR04-0062 / PPT05-0002 LYNN HAVEN ESTATES

Request rezoning from Planned Area Development (PAD) for Commercial uses to Planned Area Development (PAD) Amended for a 49-lot residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and housing product on approximately 10-acres located at the northeast corner of McClintock Drive and the Loop 202 Santan Freeway.

MR. KEVIN MAYO, SENIOR CITY PLANNER, stated that this is a request for rezoning from PAD Commercial to PAD Residential for a two-phase (for a total of 54 lots) residential subdivision with Preliminary Development Plan and Preliminary Plat approval for the housing product and subdivision layout on approximately 10 acres located at the northeast corner of McClintock Drive and Loop 202.

Mr. Mayo stated that this case had been before the Commission in December of 2005 and was continued for the purpose of holding a design review meeting, which took place on January 5, 2006. Staff is recommending denial of this case based on a land use issue.

The site received its commercial vested zoning in July 1987. The PDP was approved in 1989 for a shopping center. Construction never occurred. In 1992 a portion of the site was rezoned from Commercial to Residential for what became Hearthstone Unit 7 (lots 1-18). A portion of the property was taken by ADOT for the freeway and a pump station was also located on a portion of the property.

The site is located at the intersection of an arterial street and a freeway. The property has vested Commercial zoning, and Staff feels that that is the appropriate land use at this location. Staff acknowledges and is aware of the access restrictions that are in place on McClintock Drive by ADOT, and is aware, and agrees with, the fact that it will not become a traditional shopping center anchored by a grocery store. The site still does have though viability for other commercial uses, i.e., churches, offices, daycares, or a small corporate office user, etc. that could benefit the neighborhood as well as the surrounding areas.

Mr. Mayo stated that there are various challenges that have been identified with this site: the ADOT pump station; a 36" and a 12" waterline that run under the original location of Pecos Road that is on the site; and the drainage from other lots in Hearthstone Unit 7 that this site is required to retain for the storm runoff. Mr. Mayo maintained that these issues could more easily be mitigated on a commercial project versus a residential project.

Mr. Mayo stated that therefore staff, on a fundamental land use decision, recommends denial of the request to rezone it to commercial.

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "LYNN HAVEN ESTATES" kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0062, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for McClintock Drive and Morelos Street including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.

5. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.
10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
11. Corner lots shall be limited to single-story homes only.
12. Lots 12-27 shall be limited to single-story homes only.
13. Two story homes along McClintock Drive shall be limited to a maximum of 50%, with no more than two two-story homes side by side.
- 14. The applicant shall work with Staff to enhance the entry monument to include elements and materials found upon the homes.**
- 15. The same elevation shall not be built side-by-side or directly across the street from one another. The same rear elevation shall not be built side-by-side along the arterial street.**
- 16. The development shall occur in one phase.**
- 17. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located nearby the Stellar Airport that may cause adverse aircraft noise, odors, and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is located nearby the Stellar Airport, and the disclosure shall state that such uses are legal and should be expected to continue indefinitely. The disclosure shall be presented to prospective homebuyers on a separate, single form for them to read and sign prior to or simultaneously with executing a purchase agreement. This responsibility for notice rests with the homebuilder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.**
- 18. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of rubberized asphalt paving surface. Any noise mitigation if required is the responsibility of the development.**

Planning Commission recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

VICE CHAIRMAN HEUMANN noted that the staff report talks about buying some of the land from ADOT and asked whether it would be one phase or have a second phase.

MR. MAYO responded that when this originally started, the additional five lots were going to be Phase 2 and that was owned by ADOT. The applicant had been trying to purchase the land from ADOT and has been successful in this endeavor and it is his understanding that the entire development will now be done in one phase.

CHAIRMAN FLANDERS thanked Mr. Mayo for his presentation and requested that the applicant come forward at this time.

MIKE CURLEY, 3101 N. Central, confirmed that they have purchased the ADOT parcel following an extensive process. He noted that they pulled back on the application until they were able to come to some agreement with ADOT. He discussed concerns about the McClintock frontage and said that they have agreed to stagger each one of the homes that front onto McClintock; they have improved the wall details and are prepared to agree to a stipulation that accomplishes that and essentially where the signage is right now for the subdivision is a separate free-standing wall. Originally that wall sign was incorporated into the perimeter wall for those lots along McClintock and based on expressed concerns, they have made that a separate wall and a separate sign. As far as concerns that the diagonal for the stone might not match the other design details, the applicant has no problem working with staff to amend that wall detail if the case is approved. The landscaping has been enhanced in an effort to match surrounding landscapes. Improvements have been made to the open space area to satisfy staff's concerns. Mr. Curley discussed the basic land use issue of the C-2 and CL and stated the opinion that retail will not happen at this location. He noted that an enormous sound wall runs along the property and so any benefit to having retail adjacent to the freeway is nullified by the wall and the lack of visibility. He added that significant access issues also exist in this area. He said that the success of an office park would also be dependent upon access and viability and to develop the site with scattered office uses/marginal development would be more detrimental to the neighborhood than trying to deal with an infill parcel as one integrated development at one time.

MR. CURLEY said that the project has received strong neighborhood support and they have agreed to make all of the lots along the perimeter one-story. A number of changes have been made to the housing product and all will be Standard C elevations. He briefly outlined features that have been added. He said that in response to stated concerns, they have redesigned some of the interior units to include a basement. The drainage tract is now visible and has been engineered and reviewed by the Engineering Department and is accessible for maintenance. He expressed the opinion that they have addressed all of the concerns that were previously voiced. He added that the project represents a comprehensive approach to a very difficult parcel and cautioned against allowing scattered development to occur in a haphazard manner. He requested that the Commission vote in support of the request.

CHAIRMAN FLANDERS thanked Mr. Curley for his comments and said that he would now like to hear from members of the audience.

The Chairman noted that Mr. Tom Linthicum, 638 S. Los Feliz Drive and Mr. Patrick Roman, 3773 S. Cosmos Court, do not wish to speak but have submitted slips indicating support for the project.

Sheryl Lessard, 6071 W. Linda Lane

Ms. Lessard spoke in support of approving the request for residential zoning and stated the opinion that it would be a great addition to the neighborhood. She said that she has seen many commercial buildings sit vacant for years and years and they are eyesores. She noted that the applicant is anxious to develop a great project in the area, which would create less traffic than commercial development. She added that it would also attract more businesses to the area.

Ryan Whalen, 3933 W. Commonwealth Avenue

Mr. Whalen also voiced support for the project and said that he prefers residential development over commercial. He commented on the fact that the property is now an eyesore and stated the opinion that the project will enhance the aesthetics of the area.

Cheryl Ferreira, 3923 W. Morelos

Ms. Ferreira concurred with the comments of the two previous speakers and said that her home is located up against the property in question. She stated that the homes will enhance the area and benefit the community. She stated the opinion that commercial development might negatively impact safety in the area.

Martha Speakman, 3919 W. Morelos

Ms. Speakman spoke in support of the development of single-family homes and said that the developer has worked with the neighbors in an effort to address all concerns and build a quality product. She stated concerns regarding safety should commercial development occur in the neighborhood and urged the Commissioners to approve the request.

COMMISSIONER FLANDERS thanked the speakers for their input.

MR. CURLEY did not wish to re-address the Commissioners at this time.

COMMISSIONER IRBY said that he appreciates what the developer has done in terms of the product, etc. and said he was looking for some justification as to why this could not be a commercial property. He said that the two points made by Mr. Curley, i.e. traffic access through the residential neighborhood into the development and visibility issues are issues he would like to avoid.

In response to a question from Commissioner Irby, Mr. Mayo advised that gates have been proposed but are not represented on the plan. He added that he had made reference to them in his memo.

COMMISSIONER CREEDON commented that the applicant has done a great job with the design and has come a long way since the original plans were submitted. She added, however, that she does have concerns regarding the land use although she appreciates the neighbor's concerns as well. She said that she would oppose the project in its present form and would like to see some commercial use consistent with what staff has recommended.

COMMISSIONER ANDERSON stated that he too remains opposed to the project and noted that the City does not have a lot of opportunities with arterial roads that run perpendicular to the freeway and through Chandler. He added that those they do have are working very well and although there are different access situations associated with this particular area, he still believes that the parcel is viable for commercial use and will support staff's recommendation for denial.

COMMISSIONER GULSVIG expressed the opinion that the area is not suitable for commercial uses and discussed access problems and visibility. He spoke in support of the applicant's request.

VICE CHAIRMAN HEUMANN commented that he is a big supporter of protecting the City's employment corridors but said that the site does not appear to be a viable one for commercial uses. He added that roof tops generate sales tax.

MOTION BY VICE CHAIRMAN HEUMANN, to approve DVR04-0062/PPT05-0002 LYNN HAVEN ESTATES with additional stipulations 14-17 as listed above.

MR. MAYO stated that he would prefer to add a stipulation regarding noise mitigation that applies to residential subdivisions that abut a freeway. **18. The development shall provide sound attenuation measures in accordance with ADOT standard details and requirements excepting any decibel reductions or sound attenuation credits for the use of rubberized asphalt paving surface. Any noise mitigation, if required, is the responsibility of the development.**

CHAIRMAN FLANDERS said that when he first looked at this case, it bothered him that a commercial site would go to residential but the more he looked at it, the more sense it made to him in terms of access. He stated that he was pleased when the developer stepped up and created better elevations and options, including basements, and complimented the developer on the product line.

THE MOTION WAS SECONDED BY COMMISSIONER GULSVIG.

When the vote was taken, motion was approved 4-2 with Commissioners Anderson and Creedon voting nay.

C. AP05-0002 / DVR05-0020 LAS OLAS (JACKSON PROPERTIES)

Request Area Plan amendment from Office Showroom and Light Industrial to Medium-Density Residential, Commercial Retail, and Office. Request Rezoning from Planned Area Development (PAD) Office Showroom and Light Industrial to PAD for Medium-Density Residential, Commercial Retail, and Office with Preliminary Development Plan (PDP) approval for a medium-density residential subdivision and a commercial retail center and office development on approximately 43 acres. The property is located on the east side of Arizona Avenue approximately one-half of a mile north of Chandler Heights Road.

MS. JODIE NOVAK, SENIOR CITY PLANNER, stated that this is an application that has three components. The property is located on the east side of Arizona Avenue one-half mile north of Chandler Heights Road.

The request includes an Area Plan Amendment. The Southshore Area Plan is in place at this time. The application is requesting to change land uses. The existing land use for the parcel is office showroom and light industrial. The request is to go to medium density residential, commercial retail, and office. The second part of the request is to rezone the land to PAD zoning to allow medium density residential, commercial retail, and office. The third request is to have the Preliminary Development Plan reviewed and approved for the medium density residential subdivision component as well as the commercial retail center and office development. The total project acreage is 43 net acres; about 25-26 acres is the medium density residential located on the east portion of the development, and about 17 acres is the commercial retail and office development. The residential component has 266 units. They are duplex buildings, which would be 133 buildings. The applicant is proposing 10.31 dwelling units per acre. There are two floors with three elevations each. Homes will range in size from 1,450 to 1,570 sq. feet. The commercial part of the development encompasses a mix of retail buildings and office buildings. There are one-, two-, and three-story buildings as part of this project. There are retail on the ground level and office on the upper floors of the multiple story buildings.

Staff is of the opinion that this development is not consistent with the goals and objectives of the existing land plans for the area. Arizona Avenue corridor is intended to accommodate a mix of uses. It has been designated in the Southeast Chandler Area Plan as the most intense corridor in the southeast Chandler area. It offers the opportunity to have light industrial and business park developments where they would not be normally located elsewhere in the Southeast Chandler Area Plan. Staff feels the development still has an opportunity for business employment use that would complement the existing and planned land uses that are in the area.

Ms. Novak stated that there is residential to the south of this property; there is a conceptual commercial parcel to the south; to the north is a church property that was recently approved, as well as other commercial properties that were approved to the north. The development abuts the rail line to the east. This could be a potential area for future rail line uses with an industry that possibly would locate on the property.

Staff finds that the proposed request for Area Plan Amendment, rezoning, and Preliminary Development Plan are not consistent with all of the adopted land plans, goals and objectives of those plans, as well as the Commercial Design Standards and Residential Development Standards. Ms. Novak stated that staff recommends denial of the request.

CHAIRMAN FLANDERS thanked Ms. Novak for her presentation.

The Chairman noted that this is an amendment to the area plan and asked whether the applicant has provided any information as far as what justifies the change in the area plan. He questioned whether any studies had been conducted. **MS. NOVAK** responded that staff has had discussions with the applicant regarding their perspective on the land uses but said that they have not received a market analysis or a market study to sufficiently substantiate the change in the land uses and how it would benefit or not benefit the area. She advised that the residential zoning to the south, South Shore Village, was approved for single-family detached residential housing on smaller lots (medium density) and then there was the left over conceptual commercial parcel that had been in place, which will be developed in the future. When that came through, they also had to do an area plan amendment to the South Shore area plan. The land use designations on that property consisted of two parcels planned for multi-family, which would result in a high density use for residential. It also contained a light industrial component. In reviewing that parcel, staff took into consideration the remaining land to the north where Las Olas is being proposed. With the Maracay project, staff did not feel that replacing multi-family use with a medium density single-family use was a transition that was impacting the area or different than the intent of the South Shore Area Plan in terms of having a mix of uses. Staff removed the light industrial component and replaced it with the single family knowing that there was still a portion of property along Arizona Avenue that is planned for light industrial office/showroom, possible commerce, employment, business park use, which happens to be the land that Las Olas is proposing to develop for residential and commercial retail.

COMMISSIONER GULSVIG asked what was happening on the property south of Home Depot and Ms. Novak advised that a church is going in there that has already gone through the process. She advised that a majority of the area under discussion is light industrial and the portion of land that fronts Arizona Avenue and goes east half way is planned for office/showroom. She added that light industrial could also be mixed in there.

VICE CHAIRMAN HEUMANN asked whether the applicant was requested to conduct feasibility/impact studies and Ms. Novak responded that the applicant was asked to obtain studies when the application was initially filed. She emphasized that it was an integral part of the area plan amendment request.

CHAIRMAN FLANDERS stated that they would now hear from the applicant.

MR. RALPH PEW, 1930 E. Brown Road, Mesa, representing Jackson Properties and Mr. Randy Jackson, commented that Jackson Properties is requesting three specific things, to amend the South Shore area plan, to approve a PAD and to approve the PDP for the development of a mixed-use product including housing, commercial and office. He requested that the Commissioners focus on the area plan amendment because it is critical to the project and, if it is amended, then it would be appropriate for the Commission and staff to consider a PAD zoning case for commercial, office and a residential component. He referred to a slide that depicted the location of the property and the surrounding land uses. He added

that it is important to note that the roughly 45 acres in question is located halfway between Ocotillo and Chandler Heights on the east side of Arizona Avenue. Mr. Pew stated that it is also important to note what is happening in this area and referred to the new Fulton Ranch project on the west side of Arizona Avenue. He commented that this nicely designed residential community contains a commercial element on the north at Ocotillo and down on Chandler Heights. He said that the project is predominantly a very well designed residential community. He referenced the east side of Arizona Avenue and said they have to ask themselves what the land uses are there and what the compatibility is with what is being proposed. He stated that to the north on Ocotillo there is the Home Depot project and the land immediately east of it is also zoned and planned for commercial development. Everything north of the site is going to be commercial. He pointed out the church that is under construction and noted that south of the site, they have inlaid the South Shore Village (Maracay project). He added that on the other side of the railroad tracks as they begin up on Ocotillo, there is no development, the land has been designated for business park. A lot of that land is the SRP Substation and remains undeveloped. The bulk of the east side of the South Shore area plan has now been developed into the Pine Lakes Subdivision, with lake amenities, that has been fully developed. South of that is another medium-density residential area with 5 units to the acre and one small piece on Chandler Heights that remains for garden/office type uses. The real heart of the issue is should the area plan be amended. He referred to a slide that depicted the original South Shore area plan and said that they are talking about a plan that is 18 years old. The Commission is being suggested by the staff to hold firm to a small fragment of what is left in the 18-year old area plan when virtually everything else in the plan has been amended over time. Mr. Pew stated the opinion that a much more compatible land use for the location under question is to do what is more consistent with the plan that exists today and said that approval of the area plan amendment will create medium density residential adjacent to other medium density residential to the south and will allow a very nicely designed commercial project to come in that will compliment existing commercial in the area. He asked the Commissioners to consider whether this was really an asset worth protecting, a piece of employment land that is in such a prime corridor and such a wonderful location with no conflicting land uses around it (no residential or commercial development or churches) that a developer would want to build on compared to a tract of 80 to 100 acres perhaps in the Price Corridor or 56th Street or other portions of Chandler that are clearly designated for these uses? He said that as they consider some of the reasons why staff is encouraging them to hold fast to the existing plan, he would like to offer the following: One of the statements made by staff is this is an area where they planned for the most intense land uses in the South Shore area plan. He questioned whether that was really the case at this time. He noted that there were 118 acres of light industrial originally planned in the South Shore area plan and today there are 24 acres left and it is located in an area with no frontage on Arizona Avenue. He added that they are being asked to protect it and hope that an industrial developer or development of some type comes in there and agrees to meet all of the City's design standards for that area.

MR. PEW said that they are also being asked to leave the plan as is because of the railroad access and asked when the last time was that a light industrial campus-like setting, high-tech use was supported by a railroad track. These types of uses do not use rail and even if they did, there is no spur there. Rail is used by heavy industrial users who move a lot of products in and out. Staff is also saying that approval of the plan will create spot zoning ultimately and that is absolutely not the case. If the Commission recommends denial of the case this evening, someday a showroom/office would be developed up front with an industrial park at the back and that, in their opinion, would be more spot zoning because it would be absolutely inconsistent with every other existing zoning district adjacent to it. He said if there were no South Shore area plan and these land uses existed today and the Commission was asked what the site should be used for, would they be saying, "It's a great spot for industrial or office/showroom." They probably would want to promote more housing in the area to be consistent and develop a high-quality commercial development.

MR. PEW requested that the Commissioners give these points serious consideration and added that if they consider the prospect of sustainability, they need to determine what is really in the best long-term interest of this piece of property – and is it likely to be more sustainable in years to come with a campus-

like industrial setting that somehow miraculously gets developed but is in the midst of other residential and commercial development than a residential development that is consistent with what is adjacent to it, designed correctly according to the City's design standards, which he knows they need to work on and will address later on, and is going to last longer? And the project will include a well-designed commercial feature.

MR. PEW commented that they were asked to conduct an economic study and chose not to do so after an extended period of time for several reasons. There were multiple objectives for the study – demonstrate the viability of a residential product at this location; justify the need for commercial at that site and further prove that if you put commercial at that location, it will not jeopardize or be detrimental to the commercial that exists to the north and south. Also, demonstrate through the study that light industrial is really not very viable there. Faced with those various parameters, it was very difficult to figure out who would write that kind of study and even if they produced the study, the question is still one of fundamental land use, compatibility and the relationship with the adjoining properties. He acknowledged that staff did request the study and said they chose not to proceed with one because they didn't think they would be able to get one done and they didn't honestly believe it would make much difference in an ultimate recommendation. Mr. Pew stated that they understand the importance of this case in terms of protecting employment but they honestly believe that this is not the place to do that. He added that they have met with people from the Pine Lakes subdivision and said he hoped they could get to the PAD and PDP later. He thanked them for the opportunity to address them.

VICE CHAIRMAN HEUMANN said that he does not have a problem changing the area plan if it can be justified and the project is unique enough to do that. He added that he had concerns regarding the retail, the PAD and the PDP and one has to do with the retail project being located in the middle of the street with a home builder that has no retail experience trying to build retail. He stated that his concerns, which he expressed to Mr. Pew yesterday, have to do with whether this is feasible and sustainable. He questioned whether the applicant possesses the necessary expertise. He said he cannot say what type of retailers should go in there but he can make sure that something sustainable and viable goes in. He added that that is where the economic impact and feasibility studies come into play. He stated that they need some assurances that the applicant can perform – they talked about phasing the whole project at once – and he has some real concerns and is looking for answers.

MR. PEW responded by stating that with respect to the phasing, if the Commission was disposed to approve the area plan amendment and they came back to them with a more accurate and refined PAD and PDP request, they would agree that the commercial would be built prior to or simultaneously with the residential component. He emphasized that they were not going to build the residential element and then "hit the road." He noted that Mr. Jackson has extensive experience in many different business endeavors and in this particular effort, his plan would be to build and finance the commercial portion of the project himself and he would hire the necessary expertise or join with others to effectively market and bring to the mix of tenants a good project. He would not build it and risk that type of project without first doing that. He further stated that the nature of users in a project of this type will be specialty retail uses, not large anchors that are seen in large shopping centers but rather a conglomeration of specialty shops, hopefully high-end restaurants and users of that nature with second and third floor office uses in one building. He added the opinion that being directly across the street from the entrance to the Fulton Ranch project is an ideal location for this type of development. He said that generally commercial is not developed mid-block but on Arizona Avenue, probably the most vibrant, growing area in the community today, they feel a great opportunity exists to do just that.

VICE CHAIRMAN HEUMANN said that he personally has concerns about approving an area plan. Twenty years ago they could do that but the attitude now, at least from his perspective as well as Council's, is that they want to see the whole thing. He added that he is not convinced that approving the area plan and then coming back to deal with the other issues is the right thing to do versus looking at the whole project and getting some of the questions that everyone has answered. He stated that he would like

to see the whole project at one time. He commented that he would love to see a unique project and does not have a problem with residential if it's mixed in but emphasized that it must be sustainable and he has a lot of concerns about this project.

MR. PEW agreed with the importance of seeing just what it is they will be getting and 20 years ago, the planning was not as sophisticated as it is now. He said that he would like the Commission's recommendation to amend the area plan but if they need to see what is going to come in behind that, he would like them to at least give them an indication as to whether they like the concept plan. He stated that they would then refine the PAD and do everything else they need to do and come back.

CHAIRMAN FLANDERS said that he agreed with the Vice Chairman's remarks and concerns and said that a market study or some type of information is necessary in order to fully understand the proposal and render an intelligent decision.

MR. PEW advised that they were not opposed to conducting a market study, they just had a hard time grasping all of the issues that they were being asked to deal with. He said that if the market study deals with whether commercial is viable at this location and whether this type of commercial viable, that they can do. But to produce a study that says that light industrial will never work there would be guessing. They believe that it is not appropriate for that location. He reiterated that they could do the other type of study or look at what Maracay did for their economic study to justify eliminating all of the light industrial in that case. He indicated their willingness to move forward on that.

Members of the Commission concurred that additional information in the form of a study is both important and necessary.

COMMISSIONER CREEDON said that she is strongly opposed to changing anything from industrial to residential primarily because Valley-wide there is a problem with employment land being snatched up and none available for companies who come looking for that. **MS. NOVAK** said that staff was not aware of any difficulties associated with rail access at this location. She added that this could be an area for future light rail at some point in time and agreed that a market study to determine whether to keep or not keep certain land uses, knowing that it is their goal to retain areas for employment, commercial, office or business parks at this time until they can determine whether a change, is the best way to proceed.

MR. PEW stated that they could also look at rail access in light industrial projects and see to what extent they are out there. He added that this could provide important information.

COMMISSIONER ANDERSON commented that he was not really opposed to the change in land use and stated the opinion that the project is compatible with the surrounding environment as built today. He added that most of the old plan has gone away and he feels it would be nice to still have that industrial property but they have to determine whether that is the right location for it at this time. He stressed the importance of looking at the viability of the retail at that location and identifying what it is going to be and how it will sustain itself.

COMMISSIONER GULSVIG concurred with Commissioner Anderson's comments. He said that a lot of problems and issues have to be worked out on the project but he believes they can be solved. He added that he does not want to see something built that doesn't last and sits empty. He emphasized the importance of backing up what they are proposing with studies that will ensure the project's viability and sustainability.

CHAIRMAN FLANDERS said that he would now like to hear from members of the audience and advised that Mr. Jeff Schroeder, 402 E. Kasbah Place, does not wish to speak but is opposed to this item and Mr. Michael Sabetta, 1709 E. Canyon Way, also does not wish to speak but supports the project. He also noted that a Mr. Tim Dulany, 4740 S. Nevada Street, has indicated support for the project.

Mr. Derek Logan, 445 E. Coconino Place

Mr. Logan said that originally he came to the meeting to oppose the project and although he still has some questions and concerns regarding the actual details of the project, particularly the residential component and density levels, he supports amending the area plan to allow medium density residential development and believes that it is appropriate for the area.

CHAIRMAN FLANDERS thanked Mr. Logan for his input.

MR. PEW stated that based on the comments heard this evening, if the Commission is inclined to recommend a continuation of this case to allow the applicant to put together some of the materials they have talked about, 30 days would not be enough time in which to do so. He requested that they consider a 60-day continuance.

COMMISSIONER IRBY said that when the applicant comes back, the economic studies should have been completed so that they can discuss and consider the viability and sustainability of the project.

MOTION BY VICE CHAIRMAN HEUMANN, SECONDED BY COMMISSIONER IRBY to continue AP05-0002/DVR05-0020 LAS OLAS (JACKSON PROPERTIES) to June 7, 2006. The motion was approved (6-0).

CHAIRMAN FLANDERS called for a break at this time.

G. UP05-0060 ARIZONA MUSIC ACADEMY

Request Use Permit approval to operate a music instruction business in a General Industrial (I-2) zoning district. The subject property is located at 6503 W. Frye Rd.

MR. BILL DERMODY, CITY PLANNER, stated that the Arizona Music Academy is a business located in an I-2 industrially zoned district along Frye Road approximately one-half mile south of Chandler Boulevard on the west side of town between Kyrene and 56th Street. Their business has two parts, one part is piano distribution and repair (conducted primarily in the mornings and early afternoons), and there is also after-school music instruction for ages 5 and up that is in the later afternoon and evenings. There are eight employees. Music instruction usually goes to 8 p.m. Monday through Thursday, and to 5:30 p.m. on Friday and Saturday. With regard to traffic impacts, there are no recitals on-site. There is a maximum of eleven people on site at any given time according to the applicant.

Mr. Dermody stated that staff is recommending denial of this case. I-2 is the least restrictive and the most intense industrial district in the city and should be reserved for industrial uses without restriction. It is also unsafe in this area. It is dark at night, far from open businesses and residents, and generally lacks eyes on the street. There could also be truck traffic in the future, as well as the many hazardous materials that are being used in the area. Clearly this area is of an industrial nature and is not appropriate for a music school to be located in this area.

CHAIRMAN FLANDERS thanked Mr. Dermody for the presentation.

The Chairman asked what the condition/age of the center itself was and Mr. Dermody responded that the building was built in the 1980's. He said that staff is aware of two businesses in close proximity that handle hazardous materials. He discussed the I-2 zoning and said it covers almost the entire area except for businesses fronting on Arizona Avenue.

Staff noted that property located immediately south of the site is owned by the City and said there are plans to construct a future wastewater treatment plant at that location.

CHAIRMAN FLANDERS stated that he would like to hear from the applicant at this time.

MS. GAIL RODENBOSTEL, the Operating Manager of the Arizona Music Academy, 1871 W. Maplewood, addressed the Commission and noted that the business was previously located at a retail center in Ahwatukee where she ran a piano warehouse business/retail store and gave music lessons. After five years of business at that location, she found she could no longer afford to be involved in retail (8,000 square feet) and moved the lesson business over to the Chandler site. She advised that they found three suites in an existing building that would continue to allow them to operate immediately without interruption. She informed the Commission that she was not aware of the I-2 zoning in that area. She added that most of the parents have followed her to that location and she has approximately 100 students and 5 teachers on board. She noted that they have never experienced any problems in the area and no issues have been raised. She advised that none of the students come to the Academy without being accompanied by a parent and added that parents have never had any issue with parking at the building. Students and parents do not have to cross any streets to access the building and although there might be some heavy truck traffic in the mornings, their business does not open until 3-3:30 in the afternoon when everyone else is on their way home, and their students are just arriving for this after-school activity. She stated that the younger children are usually finished with their lessons by 5:30-6:00 p.m. and the students who arrive after 6 p.m. are usually teenagers who come with their parents or adult students. She added that she has put up some lighting for night time use along the walkways (rope lighting) and said that she did not want to change the building until she knew whether she would be able to obtain a use permit to operate at that location. She advised that if the permit is approved, lighting can and will be installed. She stated the opinion that the Academy provides students and families with excellent training and discussed the high caliber and experience of her staff who make learning fun. She pointed out that they do not hold recitals on site. She asked the Commissioners if they had any questions they would like to pose.

CHAIRMAN FLANDERS asked whether the piano repair was the original business and the applicant said that she distributes pianos to other distributors. She said that when she entered into her current lease she advised the owner that she was going to operate a music school. The Chairman asked whether the owner told her about the zoning in the area and she responded that he did not. She explained that she received notification from the City that a use permit was required.

The applicant advised that she has operated her business at that location since June of last year and has not experienced any incidents or problems. She added that when she first found out about the zoning, she visited four businesses in the area, told them about her business and asked them whether they had any problems with her operation at that location and no one voiced any concerns. She said she complied with requirements to first utilize signature cards, informing clients of the zoning in the area, and later sent out letters to the parents and 96 of them signed letters for her in support of the operation at that location. She stated that she is the only tenant in her building who is there every day out of the 12 suites.

CHAIRMAN FLANDERS asked what generated the request for a use permit and Mr. Dermody said that the landlord initiated it. The Chairman questioned whether the owner/leasing agent would have known about the zoning and the use permit requirement. Staff advised that it was difficult to say whether the owner/leasing agent was actually aware of the responsibilities/processes associated with operating in that zoning district. He added that staff typically learns about the businesses when they apply for business licenses. The Chairman stated the opinion that licensed real estate agents in the State should be aware of the laws and requirements. The applicant advised that she contacted a property management company when she leased her space.

David Evans, 1111 W. Oriole Way

Mr. Evans stated that his son is a student at the school and has been taking classes for over a year. He said that the applicant provides a good atmosphere for her students and added that although the business is located in an industrial area, no parking and/or traffic safety issues exist and safe access is available.

He said that should something happen at that location, the students could easily and safely access the back of the property where an open field exists. He stressed the safety of the area and said that emergency access is also available. He urged the members to approve the applicant's request for a use permit at this location to allow her to continue to operate her business.

In response to a question from **COMMISSIONER CREEDON**, Mr. Evans said that he and his wife have no concerns about the businesses that handle hazardous materials. He noted that the buildings do not have any windows on the north or south exterior and if there were flying debris as a result of an explosion, there would not be any impact.

CHAIRMAN FLANDERS advised that Mr. Michael Whyler, 921 W. University, is no longer present but has indicated support for the issuance of the use permit.

Charles Watson, 944 S. Valencia

Mr. Watson stated that the inside of the facility is set up like a doctor's office and has a waiting room, different studios and a warehouse for storage. He added that it is the perfect location for this type of operation. He said that they do make noise and because of the businesses around them, they are not hampered in this area. He added that parents walk students in and out and the facility works very well for what they do there and he hopes they will be allowed to continue their operations at that location.

CHAIRMAN FLANDERS thanked the speakers for their comments.

The applicant asked whether the Commissioners were concerned about fumes or leakage and the Chairman said that she is in one of the City's toughest zoning districts as far as uses and there are concerns about children being in that area and being picked up and dropped off. She pointed out that there is a park in close proximity to her business and questioned why there are concerns about the children at the Academy and not the ones who play in the park and are outdoors all the time.

CHAIRMAN FLANDERS explained that they are worried about children in buildings under that zoning category because of the hazardous materials and the possibility of something happening.

COMMISSIONER IRBY asked whether the applicant was the only tenant in the building and she responded that she recently met one other tenant who is using the facility for warehousing. Mr. Dermody stated that I-2 zoning allows hazardous uses, with some exceptions, and for the most part no permits are required under that zoning to conduct those types of businesses. Commissioner Irby commented that his concern is that they might be safe right now but in the future a tenant might move in who handles hazardous materials and everyone at that school could be endangered. The applicant said that she would be proactive in finding out what types of businesses open at her location.

CHAIRMAN FLANDERS stated that it sounds as if the applicant does a great job and provides a worthwhile service but the Commission's concern is that businesses with I-2 uses, which are very limited in the City, can easily open and operate in accordance with that zoning. All they have to do is file with the Fire Department and there are liability concerns based on the fact that the possibility exists that a spill could occur and safety would be jeopardized. He emphasized that it has nothing to do with the quality of the service provided at the Academy but there are safety factors involved that cannot be ignored.

MOTION BY COMMISSIONER IRBY, SECONDED BY COMMISSIONER CREEDON, to deny UP05-0060 ARIZONA MUSIC ACADEMY. Motion was approved 5-1 with Commissioner Gulsvig voting to approve the request.

CHAIRMAN FLANDERS informed the applicant that the Commission serves as a recommending body to the City Council and added that she will have the opportunity to address the Council regarding this issue at their March 28th meeting.

I. ZCA05-0001 MID-RISE DEVELOPMENT POLICY

Request adoption of a development policy setting forth guidelines pertaining to eligible locations, performance characteristics, design considerations, and building heights for mid-rise development, i.e., buildings exceeding forty-five (45) ft. in height, for use at such time as developer applications come forward seeking zoning approval for mid-rise buildings.

MR. HANK PLUSTER, LONG RANGE PLANNING MANAGER, stated that this item is a City initiative development policy for mid-rise development. This refers to buildings that over 45 ft. in height. The policy will tell what to look for, what to do procedural, some design considerations, eligibility considerations, and some notice requirements.

(A PowerPoint presentation was presented to Commission.)

As background, Mr. Pluster continued that there has been a policy, adopted by ordinance, in place since 1985. The city has been requiring buildings over 45 ft. in height to go through the PAD zoning process. The policy talked about four basic locations that can be looked at for mid-rise development. Downtown is fairly obvious, and at the time, all there was for a freeway was Interstate 10, well before Price Freeway and the 202. It also talked about community centers with unique employment opportunities and economic development areas for establishing unique projects, hotels, and conference centers. Over the years it's been interpreted to mean things like Chandler Fashion Mall, Intel, Wells Fargo, and even the southwest corner of Ray and Price. But the time is now to update the policy and bring it to today's times.

For that purpose Staff drafted a policy late in 2005. There were a number of internal discussions, but before it was taken through a public hearing, Mr. Pluster stated that it needed to be tested with a focus group made up of residents from all geographic areas of the city, together with some developer representatives, a land use attorney, Commissioner Irby, Vice Chairman Heumann, an architect, and a representative from Westcor, as well as a member from the Chamber of Commerce.

From the meetings emerged four essential items. One thought was that this should be a policy versus doing an ordinance. A policy can be much more creative and allows for much more creativity. It establishes a thought process, which lends itself well to a mid-rise development. They helped staff address the issue of building heights in proximity to existing and planned single-family homes, how best to identify and present locations eligible for consideration and how to describe performance characteristics that may ultimately qualify other sites for consideration. The input received was invaluable. As far as a policy versus an ordinance, there are some distinct differences. A policy is really recommendations, guidelines and recommendations, that provide greater flexibility and prompts more creativity than an ordinance. The policy approach best establishes the thought process and identifies the various considerations that should be made on a case-by-case basis. Ordinances are City laws and must be regulatory. They can also have the unintended consequence of stifling developer creativity.

The policy document sets forth its purpose, definition and applicability and makes it clear that mid-rise development is not a matter of right at any location in the City, unless otherwise enabled by an existing zoning designation. Instead, the policy triggers the PAD/PDP zoning process for all such proposals, which in turn triggers the City's expanded notice of public hearing requirements to adjoining owners of property (600 feet) and to registered neighborhood associations with a quarter of a mile.

The policy does not contain a map identifying particular locations for mid-rise development. Staff finds that doing so may imply to some observers that certain locations are designated, or perhaps desired, for mid-rise projects, while other sites shown on a map may ultimately prove to be inappropriate and not

approvable. Instead the policy identifies general locations where the potential for mid-rise development might seem most logical, such as the interchanges of major freeways, freeway corridors, the mall, the hospital area, the redevelopment area, the South Price Road Campus Employment Corridor and those locations designated for regional commercial development in the General Plan. The policy also identifies certain performance characteristics of a development proposal that would then enable mid-rise considerations. There are no guarantees, the policy simply sets the ground rules, and even if all of the criteria is met, that does not mean that approval will be granted. Design considerations are also covered in the policy. Anything over 45 feet in height is considered mid-rise and must go through a public hearing process that triggers public notice. Previously zoned buildings would not be affected by the policy. The maximum height for buildings sited more than 300 feet away should be determined by the circumstances of compatibility, location, site plan, architecture and performance characteristics, all of which are subject to approval by the Mayor and Council through the PAD/PDP process.

Staff sent copies of the draft policy to the City's regular developer clientele and also to all neighborhood associations that have registered with the City to date (140+). In addition staff advertised the public hearing dates for Planning Commission and City Council in the newspaper together with a one-eighth inch page display ad of the draft policy in its entirety. To date, no significant opposition or concerns have been expressed to staff.

Mr. Pluster advised that should the Commission vote to recommend approval of the policy, their vote would also mean that the current ordinance would be rescinded (1985 version) so an ordinance would be brought before Council to repeal the existing ordinance.

CHAIRMAN FLANDERS thanked Mr. Pluster for his presentation.

MOTION BY COMMISSIONER ANDERSON, SECONDED BY VICE CHAIRMAN HEUMANN, to recommend approval of ZCA05-0001 Mid-Rise Development Policy as drafted by staff. Motion was approved unanimously (6-0).

VICE CHAIRMAN HEUMANN thanked Mr. Pluster for his hard work and said he had a concern about making sure that residents receive notification regarding the policy. Mr. Pluster referred the Commissioners to Page 2 of the policy, the Applicability Section, and said that a new paragraph would be inserted right under the first paragraph and read as follows, "*Public notice of a zoning action triggered by this policy, which is public hearings by the Planning Commission and City Council to consider an application for a mid-rise development as defined herein, should exceed the requirements set forth in Article 26 of the City's Zoning Code as follows: (A) Written notice mailed to the owners of all property located within a quarter of a mile of the development site and to the contact representatives for all registered neighborhood organizations located within a quarter mile of the development site. The quarter mile distance should be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed. (B) At least two neighborhood meetings should be held by the applicant seeking mid-rise approval prior to the application being scheduled for public hearings by the Planning Commission and City Council.*"

Discussion ensued relative to whether mid-rise projects should be treated differently than other projects and whether the notification requirements should be included in the Zoning Code to address those types of applications will involve buildings of a certain height.

In response to a question from the Commission as to whether the Airpark Area Plan or other plan that has a fixed limit on height would "trump" the policy, Mr. Pluster referred the Council to the Eligibility Section on Page 2. He added that standards are in place for the Airpark that are regulated by the FAA.

VICE CHAIRMAN HEUMANN said that they have talked about this being part of the Zoning Code and he believes it should be together and again stressed the importance of notification. Mr. Pluster said

that the Zoning Administrator now has the authority to exceed the existing notification requirements and could very easily be guided by the policy for the current time and said that long range, in order to ensure that every applicant is treated fairly, staff could come back with some modification of the Zoning Code.

VICE CHAIRMAN HEUMANN noted that there are projects in the works and he would like this to be in conjunction so there are no loopholes. He stressed the importance of ensuring that when they do this, the citizens have full accessibility to the knowledge.

MR. PLUSTER said that staff would follow their direction and seek the advice of the City Attorney.

Discussion ensued relative to concerns that a process described as a policy implies that it can be ignored, waived or disregarded for a particular applicant who the City might favor as opposed to one they don't favor; the fact that process should be established to make sure it is followed by administrators in all situations; and the fact that over the long run, it would be best to work it in as a matter of law; the possibility of putting the policy in place and then placing the notification process in the ordinance itself; and the possibility of continuing this issue to allow staff to make the necessary changes.

A suggestion was made that the Commission proceed with the policy and recommend that this be used by staff as a matter of policy and then process it as a recommended change to the Code.

VICE CHAIRMAN HEUMANN said that perhaps they could proceed with the policy and then come back in April/May with the Zoning Code change and in the meantime they could direct staff as to how to treat any projects that come on line. The Vice Chairman asked whether the policy could serve as a guideline for mid-rise projects (a tool until the ordinance is revised to take into consideration the mid-rise projects).

VICE CHAIRMAN HEUMANN asked staff whether they were comfortable with setting a meeting for April 19th (or May 3rd) to discuss the second part of the policy and then ask for the zoning part of it to come back to them. Mr. Pluster stated that staff would probably schedule a separate zoning agenda item to focus on the notice for mid-rise projects, which differ from other notices. Mr. Pluster said that he understood the Commission's direction.

Mr. Pluster said that in developing the proposed policy, staff looked at the City itself because of its uniqueness and conducted a survey among surrounding communities. He provided brief background information regarding the results of that survey.

CHAIRMAN FLANDERS again thanked Mr. Pluster for his efforts in this regard.

6. DIRECTOR'S REPORT

There was nothing to report at this time.

7. CHAIRMAN'S ANNOUNCEMENT

The next regular meeting is March 15, 2006 at 5:30 p.m.

8. ADJOURNMENT

The meeting was adjourned at 10:47 p.m.

Michael Flanders, Chairman

Douglas A. Ballard, Secretary